

CA4 ON HBL A05

C51P4

Oct 26/88 - Dec 14/88

URBAN/MUNICIPAL

AGENDAS/MINUTES OF THE  
PLANNING AND DEVELOPMENT  
COMMITTEE OF COUNCIL







CA4 ON HBL A05  
CS1P4

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DEPUTY CITY CLERK



CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4

## THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 October 19

### NOTICE OF MEETING

Planning and Development Committee  
Wednesday, 1988 October 26th  
2:00 o'clock p.m.  
Room 233, City Hall

Susan K. Reeder  
Secretary

SKR:dbm

### ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS

### A G E N D A

1. Minutes of the meeting held Wednesday, 1988 September 28th.

### BUILDING COMMISSIONER

2. Demolition Permit Applications.

### DIRECTOR OF PROPERTY

3. Extension of Closing Date regarding Sale of Parts 3 & 4, 62R-5200 - Stone Church Industrial Park, Anchor Road.
4. Transfer of Names and Extension of Commencement and Completion Dates of Construction - City Sale - Lot 40, Plan M-227 - Hamilton Industrial Park No. 1.
5. Clearance of residential enclaves in an Industrial Zone - Alpha Enclave (West).





DIRECTOR OF LOCAL PLANNING

6. Residential Enclave Budget - 1989-1993.

DIRECTOR OF COMMUNITY DEVELOPMENT

7. Designated Property Grants - City of Hamilton Heritage Programme.
- (a) 107 George Street
  - (b) 109 George Street

FREEWAY PROJECT OFFICE

8. Building Demolition - Mountain East-West and North-South Transportation Corridor.

LICENCE COMMITTEE

9. Establishment Licences.
- (a) Report of the Building Commissioner respecting staffing and funding.

DIRECTOR OF LOCAL PLANNING

10. Official Plan Amendment No. 62 - Hamilton Beach and Confederation Park.
11. Authorization for Public Meeting - Centennial Parkway Study. (Report to Follow)

ALDERMAN J. SMITH

12. Ice Rink, Jackson Square. (No Copy)







ZONING APPLICATIONS

COUNCIL CHAMBERS

3:00 o'clock p.m.

13. Zoning Application 88-17, for property at No. 373 Brunswick Street; McQuesten Neighbourhood.
14. Zoning Application 88-72, for property municipally known as No. 60 Dalhousie Avenue; Crown Point West Neighbourhood.
15. Zoning Application 88-74, for property municipally known as No. 635 Limeridge Road East; Thorner Neighbourhood.

3:15 o'clock p.m.

16. Zoning Application 88-75, for land on the east side of Upper Wentworth Street and south of Balharbour Drive; Butler Neighbourhood.
17. Zoning Application 88-69, for properties at Nos. 1405, 1411 and 1417 Upper James Street; Ryckman's Neighbourhood.
  - (a) Submission - Robert C. Dickson, 1428 Upper James Street.
  - (b) Submission - Robert J. Morris, 1452 Upper James Street.
18. Zoning Application 88-87, for property at No. 1375 Upper James Street; Ryckman's Neighbourhood.

3:30 o'clock p.m.

19. Zoning Application 88-58, for property municipally known as No. 101 Dartnall Road; North Hannon Neighbourhood.
20. Zoning Application 88-67, for properties at Nos. 694 Pritchard Road and 1565 Rymal Road East; North Hannon Neighbourhood.

3:45 o'clock p.m.

21. Zoning Application 87-121 - 181 Victoria Avenue South.
22. Other Business.
23. Adjournment.







Wednesday, 1988 September 23  
2:00 o'clock p.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman  
Alderman D. Ross, Vice-Chairman  
Mayor Robert M. Morrow  
Alderman W. McCulloch  
Alderman D. Agostino  
Alderman H. Merling  
Alderman B. Hinkley  
Alderman T. Cooke  
Alderman D. Christopherson

Also present: Alderman G. Copps  
Alderman J. Gallagher  
Alderman T. Murray  
Mr. L. Sage, Chief Administrative Officer  
Mr. V. Abraham, Director of Local Planning  
Mr. L. King, Building Department  
Mr. S. Dembe, Licence Administrator  
Mr. B. Allick, Building Department  
Mr. J. Robinson, Community Development Department  
Mr. P. Hooker, City Solicitor's Office  
Mr. K. Brenner, Regional Engineering Department  
Mr. J. Schwarz, Regional Planning Department  
Mr. R. Buckle, Real Estate Division  
Mr. R. Karl, Traffic Department  
Mrs. V. Grupe, Planning Department  
Mr. G. Robis, Building Department  
Mr. P. Mallard, Planning Department  
Mr. H. Yeghouchian, Planning Department  
Mr. J. Zipay, Planning Department  
Mrs. C. Floroff, Planning Department  
Ms. A. Gillespie, Planning Department  
Ms. E. Toews, Planning Department  
Mr. B. Janssen, Community Development Department  
Mr. D. Godley, Planning Department  
Mr. J. Sakala, Planning Department  
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1988 August 17th and APPROVED these minutes.

The Committee was in receipt of a report from the Building Commissioner dated 1988 September 21 respecting Demolition Permit Applications. The Committee was advised that two properties at 57 Napier Street and 43 Caroline Street North are recommended for tabling.

Alderman McCulloch indicated the concerns that LACAC has with respect to the property at 57 Napier Street. Following some discussion on this matter it was agreed that these two properties **BE TABLED** pending further clarification of the intent of the owners once they have demolished these properties.

Discussion ensued on the condition of the property at Charlton and the Building Commissioner was requested to provide the Committee with a report on the status of this property.

The Committee then APPROVED the following recommendation:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits for the demolition of the following properties:

- (a) 120 Pritchard Road
- (b) 129 Pearl Street North
- (c) 66 Frederick Avenue

Minutes -  
1988 August 17

Demolition Permit  
Applications

- 57 Napier Street &  
43 Caroline St. N.  
TABLED.

- Status of Charlton  
property.

- Permits approved.



Registration of  
loan on tax rolls.

The Committee was in receipt of a Private and Confidential report from the Director of Community Development dated 1988 September 7 respecting Registration of Loan on Tax Rolls - Ontario Home Renewal Programme.

The Committee APPROVED the following recommendation:

That the total outstanding Ontario Home Renewal Programme loan for the estate of Mrs. Stella Grudzien, 70 Cope Street in the amount of \$2 060.29 be placed on the Tax Rolls.

Extension of  
Commencement and  
Completion Dates of  
Construction - City  
Sale - Part 2,  
Plan 62R-8631.

The Committee was in receipt of a report from the Director of Property dated 1988 September 13th respecting the Extension of Commencement and Completion Dates of Construction - City Sale, Part 2, Plan 62R-8631 being part of Lot 36, Plan M-277.

The Committee was advised that the Property Department have received a request for a further extension on this matter and are in approval with it.

The Committee then APPROVED the following amended recommendation:

That the Offer to Purchase the lands of The Corporation of the City of Hamilton, being composed of Part 2, Plan 62R-8631 being part of Lot 36, Plan M-277, duly executed on 1987 October 13 by the Purchaser 732303 Ontario Limited and approved by City Council on 1987 November 10, Item 12 of the 21st Report of the Planning and Development Committee, BE AMENDED as follows:

- (a) That 732303 Ontario Limited be transferred to Sergio Lauretani, and
- (b) That the commencement of construction date be extended from 1988 August 1st to 1989 April 1st, and
- (c) That the completion of construction date be extended from 1989 August 1st to 1990 April 1st, and
- (d) That all other terms and conditions of the agreement shall remain the same and time is of the essence.

Strawberry Hills -  
Lot Grading.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 September 16 respecting Strawberry Hills - Lot Grading. The Committee was also in receipt of a report from Mr. and Mrs. T. Walduda, 34 Huckleberry Drive dated 1988 September 26 respecting the Approved Original Grading Plan and Removal of the Retaining Wall from property at 34 Huckleberry Drive.

Mrs. Walduda spoke to the Committee with respect to her submission on this situation.

Mr. Flanagan, a neighbour, also spoke to the Committee and expressed concern that the City is entering into subdivision agreements but not enforcing them.

Mr. Bill Sinclair, the builder, was in attendance to speak to this situation.

Following considerable discussion on this matter by the Committee it was agreed that the following recommendation BE APPROVED as follows:

That no further action be taken to enforce the original grading plan in Strawberry Hills Subdivision's agreement between the City and Dundurn Construction Co. Ltd., dated 1985 July 26.

NOTE: City Council, at its meeting held 1985 June 25 approved Section 59 of the 10th Report for 1985 of the Transport and Environment Committee which approved the original grading plan in Strawberry Hills Subdivision. A copy of the Report of the Commissioner of Engineering outlining the reasons for no further action being taken is available from the Secretary of the Planning and Development Committee upon request.



The Committee further AGREED that between the Committee meeting and the date of City Council there is a two week time frame to allow the Walduda's to obtain their independent survey and consult with Alderman Agostino on this information. It is understood that should Alderman Agostino feel that there is a need to re-examine this issue once he has perused the survey that he will stand at Council and ask to have this matter referred back to the Planning and Development Committee.

The Committee was in receipt of a report from the Secretary of the Licence Committee dated 1988 September 20 respecting Establishment Licences.

Establishment  
Licences.

Mr. S. Dembe, Secretary of the Licence Committee was in attendance and spoke to this recommendation as well as comments from Mr. L. King of the Building Department and Mr. P. Hooker of the City Solicitor's Department.

Following general discussion on this matter it was moved by Alderman Ross, seconded by the Mayor and carried that this report BE TABLED and that this BE REFERRED to the Building Commissioner for a full report on the Staffing and Funding that would be required in carrying out the recommendation of the Licence Committee, i.e. "that the Building Department be directed to carry out inspections of all establishment licences applications".

The Committee further indicated that it is their view that carrying out the inspections of establishment licences be self-funded by fees charged with respect to this matter.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 21 respecting Zoning Application 88-53, for property at 832 West 5th Street.

ZA88-53 -  
832 West 5th Street.

The Committee APPROVED the following recommendation:

That APPROVAL be given to Zoning Application 88-53, Frank Fontana, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 832 West 5th Street, as shown on the map attached herewith and marked APPENDIX "A", on the following basis:

- (a) That the subject land be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton planning area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 832 West 5th Street.

The effect of the by-law is to permit development of the subject lands for single-family dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 July 5 respecting Zoning Application 88-54, for property at the rear of property municipally known as 125 Centennial Parkway North.

ZA88-54 -  
125 Centennial  
Parkway North.

Report of the circularization was given as follows:

127 notices sent      18 in favour      5 opposed

The owner of property at 18 Fairington Crescent spoke to the Committee on this application.

The owner of property at 22 Fairington Crescent spoke in opposition to this application and expressed concerns that they will be boxed in.

Mr. Nolan, a representative of the developer was in attendance at the meeting and spoke briefly on this application.

It was then moved by Alderman Ross, seconded by Alderman McCulloch and carried to APPROVE the following recommendation:

That APPROVAL be given to Zoning Application 88-54. The Roman Catholic Episcopal Corporation of the Diocese of Hamilton in Ontario, owner, for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of property municipally known as 125 Centennial Parkway North, as shown on the map attached herewith and marked APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-104 for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (d) That the Kentley Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to a "Single and Double" residential designation.

NOTE: The purpose of the By-law is to provide for a change in zoning of lands at the rear of property municipally known as No. 125 Centennial Parkway North, from "L-mr-1" (Planned Development - Multiple Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to allow the subject parcel of land to be rezoned and developed in conjunction with adjoining lands to the north for single family residential purposes.

ZA88-43 -  
224 Stone Church  
Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 7 respecting Zoning Application 88-43, for property at 224 Stone Church Road West.

The report of the circularization was given as follows:

32 notices sent	7 in favour	2 opposed
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Mr. Greco, 226 Stone Church Road West spoke to the Committee. He indicated that he would like to see the zoning changed to "B-1" and feels that 40 foot lots are too small.

The applicant was also in attendance at the meeting.



It was then moved by Alderman McCulloch, seconded by Alderman Cooke and carried to APPROVE the following recommendation:

That APPROVAL be given to Zoning Application 88-43, 642388 Ontario Inc., (Lorne Harbottle), owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 224 Stone Church Road West, as shown on the map attached herewith and marked APPENDIX "C", on the following basis:

- (a) That the subject land be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17c for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 224 Stone Church Road West.

The effect of the By-law is to provide for the development of three (3) single-family dwelling lots.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 12 respecting Zoning Application 88-59, for property at 1221 Stone Church Road East.

ZA88-59 - 1221  
Stone Church Road  
East.

Report of the circularization was given as follows:

35 notices sent            3 in favour            0 opposed

It was then moved by Alderman Ross, seconded by Alderman McCulloch and carried to APPROVE the following recommendation:

That APPROVAL be given to Zoning Application 88-59, Dieter Casper, owner, requesting a modification to the established "M-13" (Prestige Industrial) District regulations to permit a car audio installation shop within the proposed retail/warehouse building, for property located at No. 1221 Stone Church Road East, as shown on the map attached herewith and marked APPENDIX "D", on the following basis:

- (a) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593 be modified to include the following variance as a special regulation:
  - (i) Notwithstanding Section 17E (1) (c) of Zoning By-law No. 6593, the following additional commercial use shall be permitted:
    - 1. car audio sales and installations
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1092, and that the subject lands on Zoning District Map E-59C be notated S-1092;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District E-59C for presentation to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-13" (Prestige Industrial) District for property located at No. 1221 Stone Church road East.

The effect of the By-law is to permit in addition to existing "M-13" uses, a car audio sales and installations business within the building.

ZA87-121 -  
181 Victoria  
Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 21 respecting Zoning Application 87-121 for property at 181 Victoria Avenue South.

Report of the circularization was given as follows:

244 notices sent            9 in favour            17 opposed

A resident on Webber Street spoke to the Committee in opposition to this application. He expressed concern at the parking, noise, pollution impact and density problems that this application would add to.

The owner of property at 14 Webber Street spoke to the Committee in opposition. He expressed concerns that the water pressure in the area is low already. He added that he has a parking permit which he pays for to park near his residence and that he is a twenty-seven year resident at that property.

The owner of property at 32 Webber Street spoke in opposition to the application.

A representative of the owner of property at 27 Webber Street spoke in opposition and expressed concerns at the traffic impact this application would have.

Mr. Joe Rocchi, solicitor for the applicant, spoke on the development and the features in it that he feels address the concerns of the neighbours.

The Committee then discussed this matter in great length and it was moved by Alderman McCulloch, seconded by Alderman Merling and carried that this application **BE TABLED** for one month's time in order to allow for the applicant, residents, Ward Aldermen and appropriate staff to discuss the concerns and arrive at a mutually agreeable development. It was further agreed that Alderman McCulloch of that Ward would convene the meeting.

ZA88-52 -  
Upper Gage and Rita  
Avenue, in the area  
south of Stone  
Church Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 8 respecting Zoning Application 88-52, for property located between Upper Gage Avenue and Rita Avenue in the area south of Stone Church Road East.

Moved by Alderman Ross, seconded by Alderman Agostino and carried to **APPROVE** the following recommendation:

That **APPROVAL** be given to Zoning Application 88-52, 660555 Ontario Limited, prospective owner, requesting a change in zoning from the "AA" (Agricultural) District to the "RT-30" (Street-Townhouse) District for property located between Upper Gage Avenue and Rita Avenue in the area south of Stone Church Road East, as shown on the map attached herewith and marked **APPENDIX "E"**, on the following basis:

- (a) That the subject lands be rezoned from the "AA" (Agricultural) District to the "RT-30" (Street-Townhouse) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



NOTE: The purpose of this By-law is to provide for a change in zoning from the "AA" (Agricultural) District to the "RT-30" (Street-Townhouse) District for a strip of land between Upper Gage Avenue and Rita Avenue in the area south of Stone Church Road East.

The effect of the By-law is to permit the use of the subject land in conjunction with adjoining land to the south for future Street-Townhouse Development.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 7 respecting Zoning Application 88-49, for property located at 832-848 Upper Wentworth Street and 106 Fieldway Drive.

Report of the circularization was given as follows:

210 notices sent      18 in favour      22 opposed

Mrs. Arney of 14 Blackthorne Avenue spoke to the Committee in opposition to this application. She added that approval of this application would affect her property value and expressed concerns at the traffic impact it would incur.

The Committee was in receipt of a letter of submission from Mr. and Mrs. Arney of 13 Blackthorne Avenue in opposition to this application.

Mr. Green, 7 Blackthorne Avenue spoke to the Committee. He indicated that he is a twenty-six year resident of this property and is opposed to the commercial proposed development.

Mr. Foreman, a representative of the applicant spoke to the Committee and indicated that they are prepared to withdraw the proposal for Block 3, outlined in the report, and are prepared to amend to "E" apartments only with no commercial use.

It was then moved by Alderman Merling, seconded by Alderman Agostino and carried to DENY this application as follows:

That Zoning Application 88-49, A. Lombardi, L. Moning, E. Nagy, M. Webb, E. Mammoliti, B. Bodnar and E. Merone, owners, requesting changes in zoning from the "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified, to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, for property located at Nos. 832-848 Upper Wentworth Street, and No. 106 Fieldway Drive, shown as Blocks "1", "2" and "3" on the map attached herewith and marked APPENDIX "F", BE DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan which designates the subject lands for "residential" use;
- (b) It conflicts with the intent of the approved Bruleville Neighbourhood Plan which designates the subject lands for "single and double residential" and "commercial residential conversion" use;
- (c) It would be incompatible with existing and future intended uses in the surrounding area; and,
- (d) It would set a precedent for future similar applications in the surrounding area.

ZA88-49 -  
832-848 Upper  
Wentworth Street  
and 106 Fieldway  
Drive.

ZA88-60 -  
205 Nebo Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 20 respecting Zoning Application 88-60, for property at 205 Nebo Road.

Report of the circularization was given as follows:

30 notices sent      4 in favour      6 opposed

The applicant spoke to this application.

It was then moved by Alderman McCulloch, seconded by Alderman Ross and carried to APPROVE the following recommendation:

That APPROVAL be given to Zoning Application 88-60, Luigi and Maria Del Sordo, owners, for a modification to the "M-14" (Prestige Industrial) District to permit a Paint and Body Repair Shop, for property located at No. 205 Nebo Road, as shown on the map attached herewith and marked APPENDIX "G", on the following basis:

(a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593 be modified to include the following variance as a special requirement:

(1) Notwithstanding Section 17F (1) of Zoning By-law No. 6593, the following additional commercial use shall be permitted:

1. <u>Commercial Use</u>	<u>Identification No.</u>
Paint and Body Repair Shop	6352

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1093, and that the subject lands on Zoning District Map E-59D be notated S-1093;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council.

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District for property located at No. 205 Nebo Road.

The effect of the By-law is to permit, in addition to the existing "M-14" uses, a Paint and Body Repair Shop.

ZA88-64 - north  
side of Stone Church  
Road East, between  
Upper Sherman  
Ave. and Upper  
Wentworth St.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 20 respecting Zoning Application 88-64, for property on the north side of Stone Church Road East, between Upper Sherman Avenue and Upper Wentworth Street.

The Committee was in receipt of a letter of submission from Mr. David A. Elliot, solicitor on behalf of T. Valeri Construction Limited, in opposition to this application.

The Committee was in receipt of a letter of objection from Carol and Dennis Phillips, 142 Rushdale Drive.

Mr. David Elliot, solicitor for T. Valeri Construction Limited spoke in opposition to the application.

Mr. George Barclay, of Hamilton General Homes (1971) Limited, owner of the property spoke to the Committee on his application and encouraged the Committee to support it.



Mr. Eduardo Nuvaro, representative of Los Andes Housing Group spoke to the Committee and indicated that his group supports the proposal for the use in this application and indicated that the 90 units in his development would be able to use the facility in this commercial development.

Alderman Gallagher spoke to this application and asked that the Committee consider requiring that no restaurant use be allowed in this development.

It was then moved by Alderman Agostino, seconded by Alderman McCulloch and carried to APPROVE this application as follows:

- (a) That APPROVAL be given to Official Plan Amendment No. 65 to redesignate property located on the north side of Stone Church Road East, between Upper Sherman Avenue and Upper Wentworth Street, as shown on the map attached herewith and marked APPENDIX "H" from "residential" to "commercial" designation, and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to Zoning Application 88-64, Hamilton General Homes (1971) Limited, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, for property located on the north side of Stone Church Road East, between Upper Sherman Avenue and Upper Wentworth Street as shown on the map attached herewith and marked APPENDIX "H", on the following basis:
  - (i) That the subject land be rezoned from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District;
  - (ii) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
    1. Notwithstanding Section 13D(1)B, commercial uses, of Zoning By-law No. 6593 only the following uses shall be permitted:
      - (a) Retail Grocery Store;
      - (b) Retail Drug Store;
      - (c) Retail Bakery;
      - (d) Barbershop, Hairdressing establishment or Beauty Parlour;
      - (e) Retail Hardware Store;
      - (f) A Collecting and Distributing Station for a Laundry or Dry Cleaner;
      - (g) Bank;
      - (h) Offices for Medical or Dental practitioners;
      - (i) Offices for use by Insurance Agents, Lawyers, Auditors or Realtors.
    2. Notwithstanding Section 13D(5) the subject lands shall have an area of not more than 6,070.0 m<sup>2</sup> (0.607 ha.).
  - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1094, and that the subject lands on Zoning District Map E-27c be notated S-1094;
  - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District map E-27c for presentation to City Council;
  - (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 65.

- (vi) That the Rushdale Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double" residential to a "Commercial" land use.

NOTE: The purpose of the By-law is to provide for a change in zoning from "C" Urban Protected Residential, etc.) District to "G-4" Designed Neighbourhood Shopping Area District for property located on the north side of Stone Church Road East, between Upper Sherman Avenue and Upper Wentworth Street.

The effect of the By-law is to permit a neighbourhood shopping centre development on the site.

In addition, the By-law provides for the following By-law variances as special requirements:

- (a) To restrict the commercial developments to only the following uses:

1. Retail Grocery Store;
2. Retail Drug Store;
3. Retail Bakery;
4. Barbershop, Hairdressing establishment or Beauty Parlour;
5. Retail Hardware Store;
6. A Collecting and Distributing Station for a Laundry or Dry Cleaner;
7. Bank;
8. Office for Medical or Dental Practitioner;
9. Office for use by Insurance Agents, Lawyers, Auditors or Realtors.

- (b) To restrict the maximum lot area of the site to 6,070 m<sup>2</sup> (0.607 ha.).

ZA88-88 -  
85 Robinson Street  
(Thistle Club)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 26 respecting Zoning Application 88-88, for property located at 85 Robinson Street (Thistle Club).

The Committee was also in receipt of a recommendation from the local Architectural Conservation Advisory Committee dated 1988 September 27 respecting the demolition of the Curling Rink, Hamilton Thistle Club, 85 Robinson Street.

The Committee was in receipt of a submission from Pieter Greidanus, Administrator, Property Investments, Mutual Life of Canada. This submission indicated that while they agree in principle to the proposed development, they have some concerns regarding the height of the building and the number of parking spaces provided.

The Committee was in receipt of a submission from Mrs. M. Harris, 40 Robinson Street, Apartment 303 in opposition to the application.

The Committee was in receipt of a submission from Mr. and Mrs. Duncan, owners of property at 85 Charlton Avenue West in opposition to the application.

The Committee was in receipt of a submission from Mr. G. S. Morrow, 72 Charlton Avenue West in opposition to the application.

The Committee was in receipt of a submission from Mary Ann Harley, 200 Park Street South in opposition to the application.

The Committee was in receipt of a submission from Mrs. M. R. Gillan, 33 Robinson Street, Apartment 401 in opposition to the application.

The Committee was in receipt of a submission from Mr. G. B. Millar, 49 Robinson Street, Apartment 600 in opposition to the application.

The Committee was in receipt of a submission from Doctor William J. McCracken, 54 Charlton Avenue West expressing concerns at the application.



The Committee was in receipt of a submission from Mr. W. A. Wheten, 90 Duke Street, Apartment PH5 expressing concerns regarding the density and the provision for parking of this application.

The Committee was in receipt of an affidavit signed by Mrs. June Patzalek, owner of property at 225 Bay Street South in opposition to this application.

The Committee was in receipt of a letter addressed to Mr. Herman Turkstra from A. S. Iannuzziello of C. G. L. Consulting Engineering Limited addressing the traffic impact and parking assessment of this application.

Committee members were in receipt of two reports entitled "Traffic Impact and Parking Assessment" dated 1988 March prepared by C. G. L. Consulting Engineering Limited and a report entitled "Planning Assessment on Thistle Place Residential Development compiled by Amy Pow, Planning Consultant" dated 1988 August.

Report of the circularization was given was follows:

1,552 notices sent	89 in favour	55 opposed
--------------------	--------------	------------

Mr. Duncan, 85 Charlton Avenue West spoke to the Committee in opposition to the proposal. He referred to his submission. He disagreed with a tabling recommendation from staff and wants the application dealt with now and denied. He made reference to the affidavit of Mrs. Patzalek, whereby the applicant was offered monetary remuneration for her approval.

Mr. John Nolan, a representative of LACAC, and CAPIC, and an owner of property in the area spoke to the Committee. He indicated that LACAC would like to have input on any future proposals in this matter and that they are opposed. Mr. Nolan further added that as a private citizen he is opposed and indicated that he resides at 100 Chedoke Avenue. He further added that he feels CAPIC wants to be advised of any future proposals of this site. Mr. Nolan added that he objects to the scale of development and impact it would have.

Alderman Christopherson, Chairman of CAPIC, indicated following Mr. Nolan's discussion, that CAPIC has not taken a stand on this issue and agrees that they should have some input.

The owner of property at 49 Robinson Street spoke in opposition to the application and expressed concerns at the parking impact. He added that Robinson Street is becoming a busy traffic area and dismissed any preconceived notions that Seniors do not drive and stressed that they in fact do.

Mr. Snelgrove, of the Durand Association spoke and indicated that they wish to reserve their decision in light of the information given respecting the affidavit of Mrs. Patzalek.

Mr. Waldo Wheton, 90 Duke Street spoke to the Committee and expressed concerns at the density and parking impact of the proposal.

Mr. Turkstra, a representative of Dynacare Health Group Inc., the owners of the property spoke to the Committee and introduced the project. He asked that those persons involved be allowed to make a very brief presentation on their particular areas of involvement. He indicated that Dynacare met with the Community early in the development stages and that 2,600 invitations were sent to the Community to invite residents to an Open House meeting to advise them of the proposal.

Mr. Latner, a principal of Dynacare, spoke on the proposal and stressed that he feels this is a needed development for this Community.

Another representative of Dynacare spoke on the hotel-style facility and showed pictures of established units they have built already. He added that parking spots will be provided in excess of what is actually required. He said that they are excited about moving into Hamilton and are hopeful that the Committee will approve the application.

The architect for the proposal spoke on the development and gave statistics on the number of spaces that would be available for Seniors. He spoke on the amenities in the floor plan and he showed a shadow study of the development. He added that the facade of the building is designed to blend in with the existing Thistle Club facade and spoke of using present Thistle Club facade front in their new building.

Mr. Peter Hill of the Durand Neighbourhood then asked to have an opportunity to read a statement of the Association. He added that they had reserved their judgement previously in order to think over the affidavit of Mrs. Patzalek.

Mr. Peter Hill then read his statement and submitted it to the Secretary dated 1988 September 23rd indicating that Durand is in support of the proposal.

The representative of C. G. L. Consulting Engineering Limited spoke to the Committee on the Traffic Impact Study and Assessment.

Mr. John Rodgers, a planner spoke in support of the proposal.

It was then moved by Alderman McCulloch, seconded by Alderman Merling and carried to APPROVE this proposal as follows:

That APPROVAL be given to Zoning Application 88-88, Dynacare Health Group Inc., owner, requesting a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit a 10 storey multiple residential building having 135 retirement units (i.e. Residential Care Facility - 162 residents), 110 condominium units, and support services to be developed in conjunction with the retention of part of the Thistle Club, for property located at No. 85 Robinson Street, shown on the map attached herewith and marked APPENDIX "I", on the following basis:

- (a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of the Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- (i) That Section 4.(3)(a) shall not apply;
  - (ii) That notwithstanding Section 11.(1)(iii) a multiple dwelling having a maximum of 110 dwelling units shall be permitted;
  - (iii) That notwithstanding Section 11.(1)(iib) a residential care facility having a maximum of 162 residents of at least 60 years of age shall be permitted;
  - (iv) That notwithstanding Section 11.(1)(viii) only the private club within the building or any portion thereof as existing at the date of the passing of this By-law shall be permitted;
  - (v) That notwithstanding Section 2.(2)A.(xiiaa) the residential care facility shall be permitted in the same building as the multiple dwelling;
  - (vi) That notwithstanding Section 11.(3)(ii)(b) a side yard having a minimum width of 8.0 m shall be permitted along the westerly side lot line within 33.4 m of Robinson Street;
  - (vii) That notwithstanding Section 11.(3)(iii)(b) a rear yard having a minimum depth of 8.0 m shall be permitted along Charlton Street;
  - (viii) That notwithstanding Section 11.(5) a maximum gross floor area of 22,130.0 m<sup>2</sup> shall be permitted;
  - (ix) That Section 11.(7) shall not apply;



- (x) That notwithstanding Section 18.(3)(vi)(b)(i) a canopy may project into a required front yard not more than 2.5 m;
  - (xi) That notwithstanding Section 18.(3)(vi)(cc)(i) a balcony may project into a required front yard not more than 1.4 m;
  - (xii) That notwithstanding Section 18A.(11)(a) and 18A.(12)(b) a landscaped area with a planting strip having a minimum width of 0.4 m shall be permitted adjacent to the loading area;
  - (xiii) That notwithstanding Section 2.(2)(J)(xb) and 18A.(12) a pedestrian entranceway to underground parking shall be permitted within the required landscaped area;
  - (xiv) That notwithstanding Table 1 of Section 18A a minimum of 173 parking spaces shall be provided.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1095, and that the subject lands on Zoning District Map W-5 be notated S-1095;
  - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council;
  - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
  - (e) That the Durand Neighbourhood Plan be amended by redesignating the subject lands to "Institutional and High Density Apartments".

**NOTE:** The purpose of the By-law is to provide for modifications to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at No. 85 Robinson Street (Thistle Club).

The effect of the By-law is to permit a 10 storey multiple residential building having 110 condominium units, a residential care facility for 162 residents, and support services (e.g. dining, recreation) to be developed in conjunction with the retention of part of the Thistle Club.

In addition, the By-law provides for the following variances as special requirements:

- (a) To permit two principal buildings on the same lot for a residential purpose which is not permitted;
- (b) To permit a multiple dwelling having a maximum of 110 condominium units;
- (c) To permit a residential care facility having a maximum of 162 residents of at least 60 years of age, whereas a maximum of 20 residents is permitted;
- (d) To permit the residential care facility in the same building as the multiple dwelling;
- (e) To permit the continued use of the Thistle Club only within the existing building or any portion thereof;
- (f) To permit a minimum side yard width of 8.0 m along the westerly side lot line within 33.4 m of Robinson Street, whereas a minimum width of 13.5 m is required;
- (g) To permit a rear yard having a minimum depth of 8.0 m along Charlton Avenue, whereas a minimum depth of 13.5 m is required;

- (h) To permit a maximum gross floor area of 22,130.0 m<sup>2</sup> (2.8 F.A.R.), whereas a maximum of 13,381.38 m<sup>2</sup> (1.7 F.A.R.), is permitted;
- (i) To permit the residential care facility notwithstanding that it is located within 180.0 m of other residential care facilities;
- (j) To permit the canopy to project not more than 2.5 m into the required front yard, whereas a maximum projection of 1.5 m is allowed;
- (k) To permit the balconies to project not more than 1.4 m into the required front yard, whereas a maximum projection of 1.0 m is allowed;
- (l) To permit a planting strip having a minimum width of 0.4 m adjacent to the loading space, whereas a minimum width of 1.5 m is required;
- (m) To permit a pedestrian entranceway to the underground parking lot within a required landscaped area; and
- (n) To require a minimum of 173 parking spaces.

LACAC recommendation  
- Thistle Club.

The Committee also DENIED the recommendation of LACAC as follows:

That the recommendation of the Local Architectural Conservation Advisory Committee to preserve the original Hamilton Skating Club (1889) of the Hamilton Thistle Club (3 bays deep), located at 85 Robinson Street BE DENIED.

NOTE: The Local Architectural Conservation Advisory Committee at its meeting held 1988 September 26 discussed the suggested rezoning of the Hamilton Thistle Club and felt that the building (excluding the curling rink in the rear) was historically significant and should be preserved.

Proposed Draft Plan  
of Condominium  
"Fairhill  
Developments"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 12 respecting a Proposed Draft Plan of Condominium "Fairhill Developments".

Moved by Alderman Merling, seconded by Alderman Cooke and carried to APPROVE the following:

That APPROVAL be given to Subdivision Application 88-03, "Fairhill Developments", Fairhill Developments Ltd., owner, to establish a draft plan of condominium located on the south side of Bruce Dale Avenue east of Upper James Street, subject to the following conditions:

- (a) That this approval apply to the plan, prepared by MacKay, MacKay & Peters Limited dated 1987 December 15.
- (b) That this plan be revised to conform with the approved Site Plan under DA-88-23.
- (c) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.



The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 10 respecting proposed Draft Plan of Subdivision "Stoneridge Estates".

Proposed Draft  
Plan of Subdivision  
"Stoneridge Estates"

Moved by Alderman Merling, seconded by Alderman Cooke and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to Subdivision Application 88-04, Lousan Developments, owner, to establish a draft plan of subdivision east of Upper Wentworth Street and north of Rymal Road, subject to the following conditions:
- (i) That this approval apply to the plan proposed by MacKay, MacKay and Peters Limited, dated 1987 November 6 revised to show 28 lots and four blocks (Blocks 29, 30, 31 and 32) as 0.3 m reserves.
  - (ii) That the streets be dedicated as public highways on the final plan.
  - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
  - (v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (viii) That Street "A" align centreline to centreline with Acadia Drive as shown on Plan 62M-544.
  - (ix) That Lots 1 to 28 not be registered until Acadia Drive north of the plan is registered, or other sewer service arrangements have been approved by Regional Council.
  - (x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - (xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement BE ENTERED INTO by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-04), Lousan Developments, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the neighbourhood plan BE AMENDED accordingly.

Proposed Draft Plan  
of Condominium  
"Arm-Orn Property".

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 10 respecting proposed Draft Plan of Condominium "Arm-Orn Property".

The Committee **APPROVED** the following:

That **APPROVAL** be given to Subdivision Application 88-15, "Arm-Orn Property", Arm-Orn Properties Ltd., owner, to establish a draft plan of condominium located on the north side of Bigwin Road west of Pritchard Road subject to the following conditions:

- (a) That this approval be given to the plan, prepared by A. J. Clarke and Associates, dated 1988 July 12.
- (b) That the owner receive the approval of a change to the Site Plan (DA-88-25) to allow a building length of 50.31 m.
- (c) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Proposed Draft  
Plan of Subdivision  
"Aquino Gardens"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 August 26 regarding the proposed Draft Plan of Subdivision "Aquino Gardens".

Moved by Alderman Agostino, seconded by Alderman Hinkley and carried to **APPROVE** the following recommendation:

- (a) That **APPROVAL** be given to Subdivision Application 88-10, Sam Aquino, owner, to establish a draft plan of subdivision south of Stone Church Road East, west of Upper Sherman Avenue, subject to the following conditions:
  - (i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated 1988 March 24, showing 51 lots and 6 blocks, revised in red to show relotting in the areas for "zero-lot-line" development and dimensional changes to street curves and corners.
  - (ii) That the owner acquire sufficient land to establish all streets included in the final plan to the full required width, if the required land is not to be established as a public highway by City of Hamilton by-law.
  - (iii) That only those parts of the plan to which road access and municipal services are available shall be released for registration.
  - (iv) That the streets and street widening (Block "56") be dedicated as public highways on the final plan.
  - (v) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (vi) That the final plan conform with the Zoning By-law approved under The Planning Act.
  - (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  - (viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.



- (ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (x) That any dead-end or open side of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.
  - (xi) That Blocks "52" to "55" inclusive be developed only in conjunction with abutting lands.
  - (xii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - (xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement **BE ENTERED INTO** by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-10), Sam Aquino, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 21 respecting proposed amendments to the Strathcona Neighbourhood Plan regarding Locke Street South between Main Street and King Street.

Proposed Amendments  
to the Strathcona  
Neighbourhood Plan.

The Committee **APPROVED** the following:

That the Planning and Development Committee authorize a Public Meeting to be held to discuss the proposed recommendations and options for planning issues related to the widening of Locke Street South between Main Street West and King Street West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 13 respecting proposed Amendment 42 to the Niagara Escarpment Plan.

Proposed Amendment  
42 to the Niagara  
Escarpment Plan.

The Committee **APPROVED** the following:

That the City Clerk **BE DIRECTED TO** notify the Clerk of the Regional Municipality of Hamilton-Wentworth that the City of Hamilton does not object to the proposed Amendment 42 to the Niagara Escarpment Plan.

**NOTE:** The Niagara Escarpment Commission has requested the City of Hamilton to comment on proposed Amendment 42 to the Niagara Escarpment Plan which has been initiated by Taro Aggregates Inc. (758375 Ontario Ltd.). The amendment will amend the Mineral Resource Extraction Area designation to Urban Area in order to permit urban residential development in accordance with the Heritage Green Community - Secondary Plan. The subject lands are located entirely within the City of Stoney Creek.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 21 respecting a Review of Applications Fees.

Review of  
Application Fees.

The Committee agreed to **TABLE** the above-noted report.

Official Plan  
Amendment -  
Central Area Plan.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 19 respecting Official Plan Amendment - Central Area Plan.

Following some discussion on this matter the Committee **APPROVED** the following:

- (a) That Official Plan Amendment No. 66 - Central Area Plan **BE ADOPTED**; and,
- (b) That the City Solicitor **BE AUTHORIZED** to prepare the By-law of Adoption for the Official Plan Amendment for presentation to City Council; and,
- (c) That the City Clerk **BE AUTHORIZED** to submit the Official Plan Amendment to the Hamilton-Wentworth Council for final approval once the By-law of Adoption is passed by the City.

**NOTE:** The original Central Area Plan was approved by the City on 1981, January 13. The Plan provided policy direction to guide the growth and development of the Central Area into the next century. The Central Area of the City is bounded by the Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue.

To implement the Plan, Council in 1984 established the Central Area Plan Implementation Committee (CAPIC). This Committee, which reports to the City's Planning and Development Committee, is comprised of representatives from business, labour and community organizations.

Since the adoption of the Central Area Plan in 1981, a number of major development proposals have been approved and/or implemented. In addition, given changing community expectations and economic trends, CAPIC perceived the need to undertake a review of the original Plan, and as such, received Council authorization to initiate the review.

CAPIC has completed the review, and has prepared a proposed Central Area Plan Update. CAPIC's intent was to incorporate the finalized Update in the Hamilton Official Plan through an Amendment.

On 1987 December 4, CAPIC endorsed the proposed Update for public presentation. On 1988 February 10, the Planning and Development Committee authorized CAPIC to initiate a public participation program to provide the public an opportunity to comment on the proposed Update.

CAPIC has carefully reviewed and discussed each comment received in the context of the entire Update. In light of these comments, CAPIC has agreed to incorporate certain changes and thereby has resolved all outstanding issues. These changes do not alter the Plan's basic philosophy.

Based on the Public input and comments on the proposed Update, CAPIC has endorsed a Draft Central Area Plan on 1988 September 9.

A copy of the Draft Official Plan Amendment Central Area Plan is available from the Secretary upon request.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1988 September 28



**FOR ACTION**

2.

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P.KUPPE, BUILDING COMMISSIONER

DATE: October 19, 1988

COMM. FILE:

DEPT. FILE:

SUBJECT:

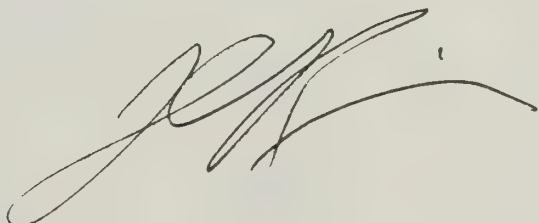
Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties: -

- A. 640 Cochrane Road
- B. 1402 Upper Wellington Street
- C. 371 Hughson Street North
- D. 2646 King Street East
- E. 57 Napier Street

FINANCIAL IMPLICATIONS: N/A

A handwritten signature in dark ink, appearing to be 'P.K.' followed by a long, sweeping horizontal stroke.

BACKGROUND:

For background information see attached sheets.

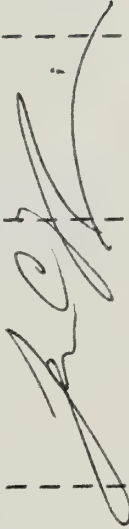




## DEMOLITION CONTROL

**CATEGORY "C" -- NO IMMEDIATE REDEVELOPMENT IS PROPOSED**

DATE: October 19, 1988							
ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	2646 King St. East	S.F.D.	Vacant	56.25' X 112.08'	The City of Hamilton	"AA"	It is recommended that Committee approve demolition.



L.C. King, P. Eng.  
Deputy Building Commissioner





FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 October 6  
COMM FILE:  
DEPT FILE: 100.68.30  
(4504)

SUBJECT: Extension of Closing Date regarding Sale of  
Parts 3 & 4, 62R-5200 - Stone Church Industrial Park  
Anchor Road to Sam, Peter and Morris Mercanti

OCT 11 1988

RECOMMENDATION:

That the Offer to Purchase agreement to Sam, Peter and Morris Mercanti approved by City Council on July 26th, 1988 in adopting Item 12 of the 16th Report of the Planning and Development Committee be amended by extending:

- (a) the closing date to August 24th, 1989,
- (b) the construction commencement date to February 24th, 1990,
- (c) the construction completion date to February 24th, 1991.

Time is to remain of the essence of the agreement and all other terms and conditions contained in the agreement shall remain the same.

  
\_\_\_\_\_  
D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

The aforesaid agreement was conditional upon the Region installing a 50' landscaped berm on the subject lands prior to the closing date. We have been advised by the Regional Engineering Department that due to the lack of available materials, the berm could not be completed in time.

In view of the above information, the purchaser has agreed to extend the closing date until August 24th, 1989.

c.c. - Mr. K.A. Rouff, City Solicitor  
- Mr. E.C. Matthews, City Treasurer  
- Mr. G.S. Spencer, Regional Commissioner of Engineering  
Attention: Mr. M. Chidley  
Attention: Mr. D. Onishi





FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 October 6  
COMM FILE:  
DEPT FILE: 20.1.287  
(2738)

SUBJECT: Transfer of Names and Extension of Commencement and  
Completion Dates of Construction - City Sale Lot 40,  
Plan M-227 - Hamilton Industrial Park No.1 -  
To: J. Piano, Lupo Mucci and Joe Licatolosi

OCT 11 1988

RECOMMENDATION:

That the Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of Lot 40, Plan M-227, duly executed on October 19, 1987 by the Purchasers, J. Piano, Lupo Mucci and Joe Licalotosi, and approved by City Council on November 24, 1987, Item 16 of the 22nd Report of the Planning and Development Committee, be amended as follows:

- (a) that J. Piano, Lupo Mucci and Joe Licatolosi be transferred to 763295 Ontario Limited,
- (b) that the commencement of construction date be extended from September 28, 1988 to March 28, 1989,
- (c) that the completion of construction date be extended from September 23, 1989 to March 28, 1990,
- (d) that all other terms and conditions of the agreement shall remain the same and time is of the essence.

  
D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

This department has received a request from Mr. Jack Restivo, solicitor for the owners to transfer the property from their names to 763295 Ontario Limited, being a Company which is wholly owned by J. Piano, Lupo Mucci and Joe Licatolosi, advising that this transfer will result in more favourable financing for their proposed building. As a result, an extension of the commencement and completion dates of construction is also required. We concur in this regard.

c.c. - Mr. K.A. Rouff, City Solicitor  
- Mr. E.C. Matthews, City Treasurer  
- Mr. M. Chidley, Regional Surveyor





FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 October 11  
COMM FILE:  
DEPT FILE: (4505)

SUBJECT: Clearance of residential enclaves in an  
Industrial zone - Alpha Enclave (West)

RECOMMENDATION:

- (a) That the following residential properties located in the Alpha Enclave (West) which were approved for acquisition by City Council on July 28, 1987 be acquired through expropriation and that the City Solicitor be directed to take the appropriate action required:

377 Sherman Avenue North	354 Birch Avenue
379 Sherman Avenue North	358 Birch Avenue
401 Sherman Avenue North	388 Birch Avenue
403 Sherman Avenue North	402 Birch Avenue
9 Gerrard Street	211 Brant Street
19 Gerrard Street	217 Brant Street
21 Gerrard Street	219 Brant Street
23 Gerrard Street	221 Brant Street
27 Gerrard Street	247 Brant Street

- (b) That the City Clerk be authorized and directed to:

- (i) Give Notice of the City's Application as Expropriating Authority, to all owners, registered owners and tenants (as defined in The Expropriations Act) of the above residential properties in the Alpha Enclave (West) that are located within an industrial zone, for approval to expropriate in accordance with Section 34(8) of The Planning Act.
- (ii) advertise Notice of the City's Application in a newspaper as required by The Expropriations Act, and
- (iii) sign and receive the said Application for Approval to Expropriate.

- (c) All related costs to the acquisition and expropriation be charged to account 0408-W75266.

  
D. W. Vyce

FINANCIAL IMPLICATIONS:

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND:

On July 28, 1987, City Council adopted the 15th Report of the Planning and Development Committee, Item 27 approving the acquisition of 39 residential units in the Alpha Enclave (West).

This department has been successful in acquiring 22 properties; however, two properties from this group, namely, 403 Sherman Avenue North and 9 Gerrard Street cannot close due to title problems. It is now apparent that we have reached an impasse in the negotiating with the remaining property owners and in order to assemble the properties in a reasonable length of time, the City will have to commence expropriation proceedings.

As these outstanding properties are scattered throughout the enclave, the entire project is hindered from a development point of view. Accordingly, cost recovery cannot be expedited in the foreseeable future and project continuity in subsequent enclaves will be jeopardized if expropriation as recommended herein is not taken.

For the Committee's information, possession by expropriation could involve up to twelve months from commencement. During said time frame, we would continue to negotiate with the property owners.

We attach hereto a plan indicating the properties to be expropriated.

Attach.

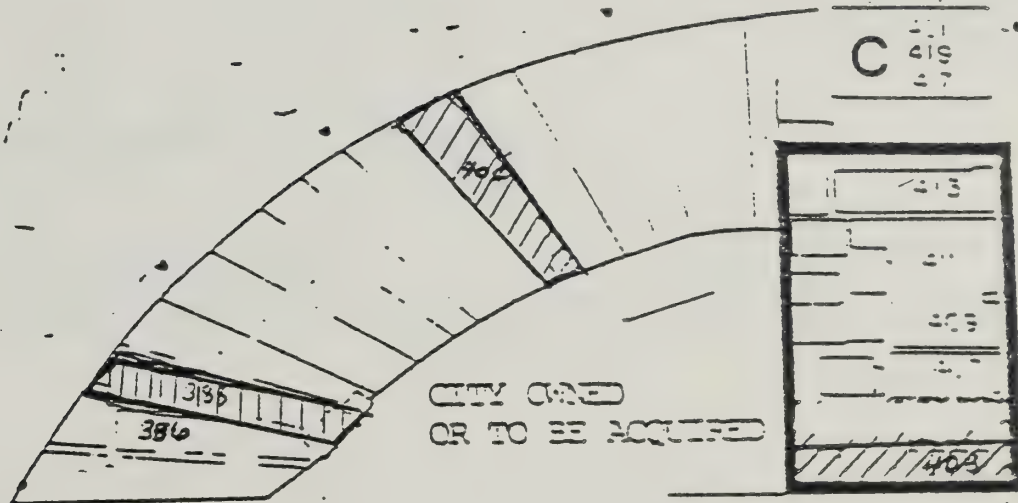
c.c. - Alderman P. Valeriano  
- Alderman B. Hinkley  
- Mr. K.A. Rouff, City Solicitor - Attention: Mr. B. Loreto  
- Mr. E.C. Matthews, City Treasurer  
- Mr. M. Chidley, Regional Surveyor

properties to be  
expropriated

BURLINGTON ST. EAST

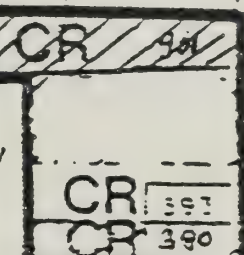
DESONAIR TAVERN  
FORMERLY SHERMAN

C



AVE.

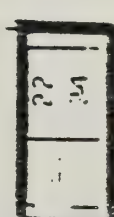
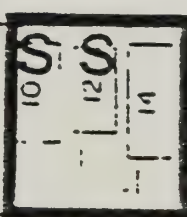
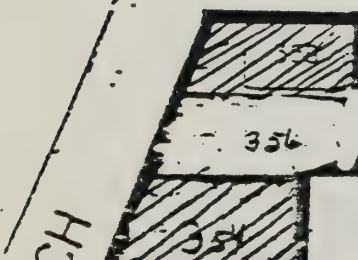
D'ANGELO  
AUTO BODY



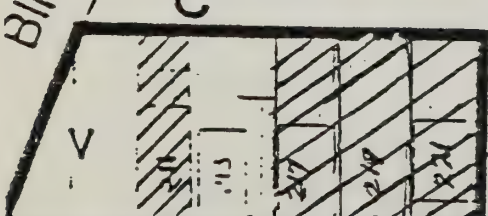
GERRARD ST.

ST.

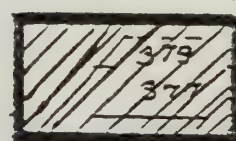
BIRCH



PHILIP ENTERPRISE



227  
C



C

BRANT ST.

ST.

BURLINGTON STEEL

NORTH  
SHERMAN AVE

Alpha Enclave (West)





6.

F O R   A C T I O N

REPORT TO:     PLANNING AND DEVELOPMENT COMMITTEE

FROM:           V. J. ABRAHAM, M.C.I.P.  
                     PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 17  
COMM FILE:  
DEPT. FILE: P5-2-69

SUBJECT:

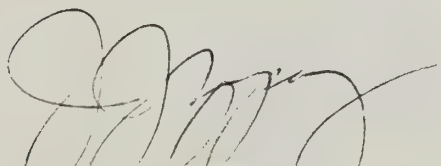
1989-1993 Budget.

RECOMMENDATION

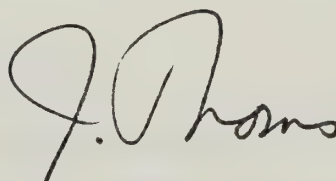
That the attached budgetary proposal be referred to the Executive Committee for consideration for inclusion in the 1989-1993 City of Hamilton Budget.

EXPLANATORY NOTE

The proposal for City funds requires Planning and Development Committee's endorsement before being considered by the Executive Committee. The recommendation would continue the acquisition programme.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

BACKGROUND

The Planning and Development Committee at its meeting held 1986 February 12 approved the original 1986-1990 budget for Residential Enclaves. This included the demolition of residential properties in the Alpha, Leeds, Biggar and Stapleton enclaves and sale of land for industrial use.

This Capital Budget project provided \$750,000 for 1987, 1988, 1989 and 1990, for a total of \$3,000,000. Of the 3 million dollars, \$750,000 was contributed by the Region, \$900,000 was to be paid for by sales of industrial land, and the City contributed \$1,350,000.

Presently, 22 properties in the Alpha West enclave have been acquired for approximately \$1,000,000. Acquisition has been slower than anticipated and significant increases in property values generally over the last two years have resulted in an overall higher figure for acquisition than anticipated.

It is estimated that due to constant increases in property values an additional \$2,000,000 will be required beyond 1990 to complete the acquisition programme of 107 properties.

MPS/mr

WP 0021P



City of Hamilton  
Treasury

1989-1993 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Planning and Development
2. (a) PROJECT NUMBER: \_\_\_\_\_  
(b) PROJECT NAME: Enclaves Clearance - Phase 2
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Removal of inadequate housing and creation of industrial land through a  
revolving fund already established.
4. (a) PROJECT STARTING DATE: 1991  
(b) PROJECT FINISHING DATE: 1992  
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: 1991
5. (a) GROSS COST OF PROJECT  
IN YEAR-OF-START DOLLARS: \$ 2,000,000  
(b) SUBSIDIES AND OTHER RECEIPTS: \$ --  
(c) CITY'S COST: \$ 2,000,000
6. (a) YEAR OF EXPENDITURE - 1989 \$ \_\_\_\_\_  
- 1990 \$ \_\_\_\_\_  
- 1991 \$ 1,000,000  
- 1992 \$ 1,000,000  
- 1993 \$ \_\_\_\_\_  
- 1994 AND AFTER \$ \_\_\_\_\_
- NO. OF PERSON  
YEARS CREATED
- (b) TOTAL NUMBER OF PERSON YEARS CREATED: 26
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: \_\_\_\_\_
8. ADDITIONAL ANNUAL OPERATING COST: \$ \_\_\_\_\_
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE OR CITY COUNCIL:  
Image of the City not improved. Inadequate housing remains. Industrial  
land not created. Tax base not increased.
10. HAVE YOU PRESENTED THIS PROJECT BEFORE? YES ☐ NO ☒  
IF YES, PLEASE INDICATE FOR WHAT YEAR 19

\_\_\_\_\_  
Signature of Department Head/Local  
Board Manager  
(for Standing Committee)

\_\_\_\_\_  
Signature of C.A.O.  
(for Executive Committee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**FOR ACTION**

7a.

**REPORT TO:** Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** E. W. Kowalski, Director  
Department of Community Development

**DATE:** October 19, 1988

**COMM FILE:**

**DEPT FILE:** Heritage #15

**SUBJECT:**

The City of Hamilton Heritage Programmes - 107 George Street, Hamilton.

**RECOMMENDATION**

That the Department of Community Development be directed to process a Designated Property Grant in the amount of \$3,000. to Ms. Janet Snelgrove.

That the Department of Community Development be directed to process a Community Heritage Trust Fund Loan to Ms. Janet Snelgrove, owner of 107 George Street, in the amount of \$5,750. at six (6) percent interest, amortized over a ten (10) year period.

*E. Kowalski*

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

N/A

**BACKGROUND**

The Planning and Development Committee, in a report dated 1982 December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The Community Heritage Programme provides loans of up to \$20,000. at 6% interest, amortized over 10 years. The property receiving funds under the Programme must be designated by Council as heritage property and this was done by Council October 29, 1985. The owner of the property has applied under the terms of the above Programme to undertake restoration work by Witten Home Improvements Inc. in the amount of \$8,750.



BACKGROUND CONT...

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and recommend the acceptance of Witten Home Improvements Inc. The City's Building Department also reviewed the estimates and are in agreement that the work conforms to the Schedule and at a cost in line with the work that is required.

The Department of Community Development therefore recommends a Designated Property Grant be awarded in the amount of \$3,000., and a Community Heritage Trust Fund Loan in the amount of \$5,750. at six (6) percent interest be approved.

**FOR ACTION**

7b.

**REPORT TO:** Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** E. W. Kowalski, Director  
Department of Community Development

**DATE:** October 19, 1988

**COMM FILE:**

**DEPT FILE:** Heritage #36

**SUBJECT:**

The City of Hamilton Heritage Programmes - 109 George Street, Hamilton.

**RECOMMENDATION**

That the Department of Community Development be directed to process a Designated Property Grant in the amount of \$3,000. to Dr. Michael Pernfuss, owner of 109 George Street.

That the Department of Community Development be directed to process a Community Heritage Trust Fund Loan to Dr. Michael Purnfuss, owner of 109 George Street, in the amount of \$5,700. at six (6) percent interest, amortized over a ten (10) year period.

*E. Kowalski*

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

N/A

**BACKGROUND**

The Planning and Development Committee, in a report dated 1982 December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The Community Heritage Programme provides loans of up to \$20,000. at 6% interest, amortized over 10 years. The property receiving funds under the Programme must be designated by Council as heritage property and this was done by Council October 29, 1985. The owner of the property has applied under the terms of the above Programmes to undertake restoration work by Witten Home Improvements Inc. in the amount of \$8,700.

BACKGROUND CONT...

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) has reviewed the work to be undertaken, as well as the estimates, and recommend the acceptance of Witten Home Improvements Inc. The City's Building Department also reviewed the estimates and are in agreement that the work conforms to the Schedule and at a cost in line with the work that is required.

The Department of Community Development therefore recommends a Designated Property Grant be awarded in the amount of \$3,000., and a Community Heritage Trust Fund loan in the amount of \$5,700. at six (6) percent interest be approved.



FOR ACTION

8.

REPORT TO: Planning and Development Committee  
Attention: Ms. S. K. Reeder, Secretary

FROM: L. Dale Turvey, Project Director  
Freeway Project Office

DATE: Oct. 19, 1988  
COMM. FILE:  
DEPT. FILE: 925.10.10A  
925.20.01A

SUBJECT:

Building Demolition - Mountain East-West and North-South Transportation Corridor

RECOMMENDATION:

That approval be granted to the Freeway Steering Committee to undertake the relocation and/or demolition for those buildings situated on property required for the approved roadway construction in accordance with the procedures approved by Regional Council on August 16, 1988 (FRE 88-024).

*L. Dale Turvey*

FINANCIAL (IF NONE, STATE N/A):

N/A

BACKGROUND:

It is the understanding of the Freeway Project Office that prior to the demolition of any buildings within the City of Hamilton, approval must be granted by the Planning and Development Committee. The intent being to ensure that buildings which are suitable for relocation, reuse or buildings that are of historical significance are not indiscriminately demolished.

The Freeway Steering Committee shares these concerns. Accordingly, at its meeting of August 16, 1988, the Committee approved the following procedure:

- (a) complete an inventory of the present residential properties currently held by the Region. The inventory to include a description of the dwelling unit, a condition survey and an estimated time schedule for right-of-way preparation;
- (b) based on an assessment of the condition and timing of the right-of-way preparation, submit a report to the Freeway Steering Committee recommending leasing, relocation or demolition;

- (c) where relocation is possible, notify the public and request submission in accordance with approved specifications and tendering procedures. Based on the analysis of bids received, a recommended action will be brought back to the Freeway Steering Committee; and
- (d) in the case of a new acquisition, the condition survey will be undertaken concurrently with the property appraisal, such that the recommendation for purchase will also append the recommendation for leasing, relocation or demolition. The relocation procedure to be followed will be consistent with that applied to present Regionally-owned residential properties.

The above procedure was approved by Regional Council at its meeting of August 16, 1988.

In addition to the above, the approval granted by the Joint Board and Provincial Cabinet requires that those buildings identified as having historical significance will be subject to detailed recording prior to removal. Further, the Niagara Escarpment Commission has granted a development permit allowing demolition of those buildings within the right-of-way in the area of NEC jurisdiction.

Based on the foregoing, it appears there is an opportunity to streamline the process in obtaining the Planning and Development Committee's authorization for demolition of the buildings situated on the approved road allowance.

LTD:dr

c.c. Mr. E. A. Simpson, City Clerk

c.c. Council R. Wheeler, Chairman  
Freeway Steering Committee

Corporation of the City of Hamilton

Memorandum

\*\*\*\*\*

TO: Mr. P. Kuppe  
Building Commissioner

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

OUR FILE:   
PHONE: 526-2753

SUBJECT: Establishment Licences

DATE: 1988 October 03

The Planning and Development Committee at its meeting held Wednesday, 1988 September 28 was in receipt of a report from the Secretary of the Licence Committee dated 1988 September 20 respecting establishment licences. A copy of that report is herewith attached for your review.

The Committee agreed to TABLE this matter and refer it to the Building Commissioner for a full report on the staffing and funding that would be required in carrying out the recommendation of the Licence Committee, i.e. "that the Building Department be directed to carry out inspections of all establishment licences applications".

The Committee further indicated that it is their view that carrying out the inspections of establishment licences be self-funded by fees charged with respect to this matter.

Would you please undertake compiling a report on this matter for the perusal of the Planning and Development Committee.

*Susan K. Reeder.*

SKR:dbm  
Attch.

c.c. - Alderman J. Smith, Chairman  
Planning and Development Committee  
- Mr. E. Matthews, City Treasurer  
- Mr. K. Rouff, City Solicitor  
Attention: Mr. P. Hooker  
- Mr. S. J. Dembe, Secretary  
Licence Committee



FOR ACTION

REPORT TO: Mrs. Susan Reeder, Secretary  
Planning & Development Committee

FROM: S. J. Dembe, Secretary  
Licence Committee

DATE: 1988 Sept 20  
COMM FILE:  
DEPT FILE:

SUBJECT: Establishment Licences

RECOMMENDATION:

1. That the Building Department be directed to carry out inspections of all establishment licence applications.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

These inspections may require additional staff by the Building Department.

BACKGROUND

The City of Hamilton Licence Committee at its meeting held September 15, 1988 gave approval to the above mentioned request. This approval was based on the information contained in the attached report from the City Clerk and a letter from the City Solicitor's office dated June 17, 1987 pertaining to general procedures regarding applications for establishment licences. The Committee did not approve the requirement of Certificates of Compliance under Property Standards By-law 74-74 due to the potential hardship which would be created for new business openings.

The members of the Licence Committee were given further legal advice that it was within the mandate of the Committee to direct the Building Department to carry out inspections of premises which would have the effect of eliminating a serious breach of the Section 5. (1) of the Licence By-law.

# MEMORANDUM • CITY OF HAMILTON

TO : Mr. S. J. Dembe,  
Manager of Licensing. YOUR FILE:

FROM : Philip R. A. Hooker,  
City Solicitor's Office. OUR FILE : 130-37.10

SUBJECT : 311 Strathearne Avenue DATE : June 17, 1987  
General Procedure regarding  
applications for City licenses  
for various premises

Attached please find copy of April 22, 1987 letter and enclosures from Alderman G. Copps to a Mr. Michael J. Schuster, which documents we received on June 11, 1987.

In her letter, among other things, Alderman Copps pointed out that the Building Department reported that it had not made an on-site ("field") inspection of the premises which are the subject of the licence application and that you advised her that the licence is issued prior to, or conditional on, the necessary corrections being made (to comply with outstanding fire safety, health or other requirements and regulations).

There is no such thing as a "conditional" licence: a person either has a licence or he does not.

Since a City-issued licence is virtually a certificate of official, City approval of both the licensee and the premises in question, the procedure you described to Alderman Copps must be changed immediately, as it had the very real potential of exposing the City to lawsuits for negligence and high money damages.

In our brief conversation of June 11, 1987, you attributed the origin of the practice you are apparently following to a former, long-retired member of this department. We do not believe that this is so and require you to produce documentation of such alleged former advice. In any event, it is not in accordance with the recent information provided by this department to the Second Level, Lodging House Subcommittee.

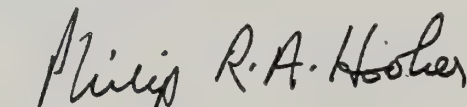
The practice you must follow is this:

1. Receive completed licence application and required licence fee;

2. Circulate clear copies of the application immediately to all appropriate inspecting departments, including, as the case may be, Building, Fire Prevention, Regional Health Services, Traffic, Regional Police, Regional Engineer, etc., requiring their on-site inspection reports back to you without delay, i.e. within 1-2 weeks;
3. Receive and peruse reports. If any requirements are outstanding, notify the licence applicant in writing, with copy to the department reporting the deficiency or infraction, that the specific requirements are outstanding and that no licence will be approved nor issued by the City until the outstanding requirements are satisfied in full. Also, in the letter, warn the applicant, in bold print, that the premises may NOT be operated until the licence is actually issued. A copy of your letter to the licence applicant should be sent to the Licensing Committee for its information. Please see the enclosed extracts of the Licensing By-law, 79-323, as amended.

It is most important that your letter to the licence applicant contain no suggestion or indication that the licence will be issued or may be issued. Simply advise the applicant, in writing, that the application cannot be further processed until all outstanding requirements are fully met.

We repeat that, on account of the very serious liability exposure of the City arising from what we understand to be your existing practice in regard to premises for which City licences are sought, you must immediately cease, in any respect, issuing or approving licences "on condition" or subject to future compliance by the applicant, as that would leave the City in an untenable position in a lawsuit for negligence and damages.



Philip R. A. Hooker,  
for K. A. Rouff,  
City Solicitor.

PRAH:mk

c.c. Alderman G. Copps  
c.c. Alderman P. Valeriano, Chairman,  
City of Hamilton Licensing Committee.  
c.c. Alderman S. Collins  
c.c. Alderman T. Murray  
c.c. Mr. J. Child  
c.c. Mr. J. R. Jones



## FOR ACTION

REPORT TO: Alderman P. Valeriano, Chairman  
Licence Committee

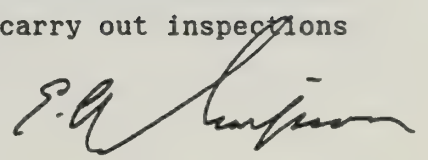
FROM: Mr. E. A. Simpson  
City Clerk

DATE: 1988 September 9  
COMM FILE:  
DEPT FILE:

SUBJECT: Establishment Licences

RECOMMENDATION:

1. That the Building Department be directed to carry out inspections of all establishment licences applications.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

This requirement may require additional staff by the Building Department and the financial costs may be offset by amending the Licence By-law 79-323 to make it a mandatory requirement that prior to the issuance of a licence, a certificate of compliance pursuant to By-Law 74-74 is obtained by the applicant.

The funds generated by the certificate of compliance may offset any additional costs incurred by the Building Department.

BACKGROUND:

I would refer the Committee to a letter from Mr. P. R. A. Hooker of the Legal Department dated June 17th, 1987 in which he advises that licences must not be issued without on site inspections being carried out.

In 1978/79 Zero Base Budgeting eliminated funding for the enforcement of the licence by-law in the Building Department.

The Fire Prevention Bureau and the Health Department both carry out inspections and advise the Licence Administrator of the completion of their requirements prior to the issuance of a licence. The Building Department advises the Licence Administrator as to whether the zoning of the property permits such a use. However, it does not advise the Licence Administrator or the licence applicant of the specific requirements of the Zoning By-Law. Neither does it determine whether the requirements of that zoning by-law are met prior to the issuance of the licence, as required by the by-law.

At the present time, once the Fire Prevention Bureau and the Health Department's requirements are complied with, the licence is issued.

cont'd....

The licence applicants are requested to comply with the zoning by-law.

If the Committee wishes to increase its enforcement process through the licence entity, it may consider the requirements of a certificate of compliance as required in the Property Standards By-Law 74-74, enforced and administered by the Building Department, to be added to each licence application as it does now in the case of second level lodging houses. This would create an additional source of revenue to offset costs incurred by the Building Department in its inspection of licenced premises.

As advised by the City Solicitor's Department, since a City issued licence is virtually a certificate of approval, the City could be held liable if the premises do not in fact meet the requirements of all relevant by-laws and we have issued a licence, and has a very real potential of exposing the City to lawsuits for negligence and high money damages.

A number of elected officials have brought specific instances to the attention of the Licence Administrator, hi-lighting the inadequacies of the present process.

FOR INFORMATION

9a.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. P. Kuppe  
Building Commissioner

DATE: 1988 October 11  
COMM FILE:  
DEPT FILE: 88.4.3.1.

OCT 14 1988

SUBJECT: Establishment Licences

BACKGROUND:

As requested at the Planning and Development Committee held on Wednesday, September 28th, 1988, the following is a report on the staff and funding that would be required in carrying out the recommendation of the Licence Committee, i.e. "that the Building Department be directed to carry out inspections of all establishment licence applications."

STAFFING

We would require 2 Inspectors and 1 Stenographer III.

OPERATING COSTS FOR TWO INSPECTORS AND ONE STENOGRAPHER COMMENCING JAN. 1st/89

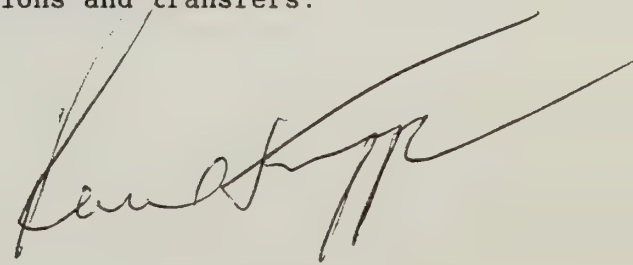
Salaries and Benefits	\$107,166.00
Purchase of Vehicles	\$ 22,000.00
Rental of Vehicles	\$ 10,000.00
Equipment (Safety equipment, protective clothing, including office furniture)	\$ 27,000.00

**TOTAL** **\$166,166.00**

Recoveries

A possible method of generating funds, would be the mandatory requirement of a Certificate of Compliance being obtained prior to the issuance of a licence, thus generating a minimum of \$150.00 for each new licence application.

For the information of the Committee, there are approximately 800 licence applications each year, including new applications and transfers.







F O R   A C T I O N

10.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 October 18  
COMM FILE:  
DEPT. FILE: P6-2-62

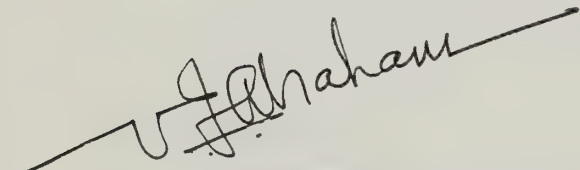
FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

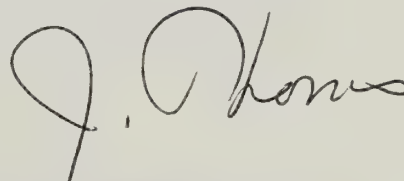
Official Plan Amendment No. 62 - Hamilton Beach and Confederation Park.

RECOMMENDATION

- (a) That the Planning and Development Committee recommend to Council that Official Plan Amendment No. 62 - Hamilton Beach and Confederation Park as per the attached be adopted;
- (b) That the City Solicitor be authorized to prepare a By-law of Adoption for the Amendment in (a) above;
- (c) That the City Clerk be authorized to submit the Amendment in (a) above to the Hamilton-Wentworth Council for final approval once the By-law of Adoption is passed by the City.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

On August 30, 1988, the Planning and Development Committee directed the preparation of an Official Plan Amendment for the Hamilton Beach Area and Confederation Park. This Amendment implements the findings of the Hamilton Beach Concept Plan which promotes the Beach Area for mixed use instead of Open Space uses in order to preserve the community.

In addition, as a result of the Concept Plan, the Official Plan policies relating to Confederation Park are updated to reflect the new planning philosophy of the Beach Area.

JH:CS  
0330P



AMENDMENT NO. 62  
TO THE  
CITY OF HAMILTON OFFICIAL PLAN

The following text, together with attached Schedules "A" and "B", attached hereto, constitute Official Plan Amendment No. 62.

PURPOSE

To incorporate changes to Schedules, revise and add a new Special Policy Area and related policies.

LOCATION

This Amendment affects the Hamilton Beach and Confederation Park located between Lake Ontario, the City of Stoney Creek, Gray's Road, the Queen Elizabeth Way and the Burlington Canal.

BASIS

This Amendment is intended to provide a basis for:

- the implementation of the Hamilton Beach Concept Plan; and,
- a change to Special Policy Area 10 by deleting those policies which have become redundant as a result of the completion of the Hamilton Beach Concept Plan and Confederation Park Master Plan.

ACTUAL CHANGES

1. Schedule "A" - Land Use Concept be revised by redesignating a portion of the Hamilton Beach area from "Open Space" to "Residential", as shown on the attached Schedule "A".
2. Schedule "B" - Other Special Policy Areas be revised by deleting a portion of the subject lands from Special Policy Area 10a, as shown on the attached Schedule "B" of this Amendment.
3. Revise Policy A.2.9.3.8. by deleting it in its entirety and replacing it with a new policy which reads as follows:

"Within SPECIAL POLICY AREAS 10 AND 10a, identified on Schedule "B", the following policies will apply:

- i) Within SPECIAL POLICY AREA 10, Council will ensure that appropriate shoreline protection measures as may be prescribed by the Ministries of Natural Resources and the Environment will be taken to mitigate flooding, erosion and pollution.

- ii) In accordance with the Hamilton Beach Concept Plan, SPECIAL POLICY AREA 10a applies to the lands located on both sides of Beach Boulevard between Kirk Road and Arden Avenue. Townhouses, low rise apartments, and mixed commercial/residential uses will be encouraged to locate within this area."

IMPLEMENTATION

The provisions of Section D - Implementation, as amended, will apply to the implementation of this Amendment.

This is Schedule 1 to By-law No. 88-\_\_\_\_\_, passed on the \_\_\_\_ day of \_\_\_\_\_, 1988.

THE CORPORATION OF  
THE CITY OF HAMILTON

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

CL-M:CS



# Schedule A to draft amendment to the official plan for the City of Hamilton

## LAND USE CONCEPT

### Legend

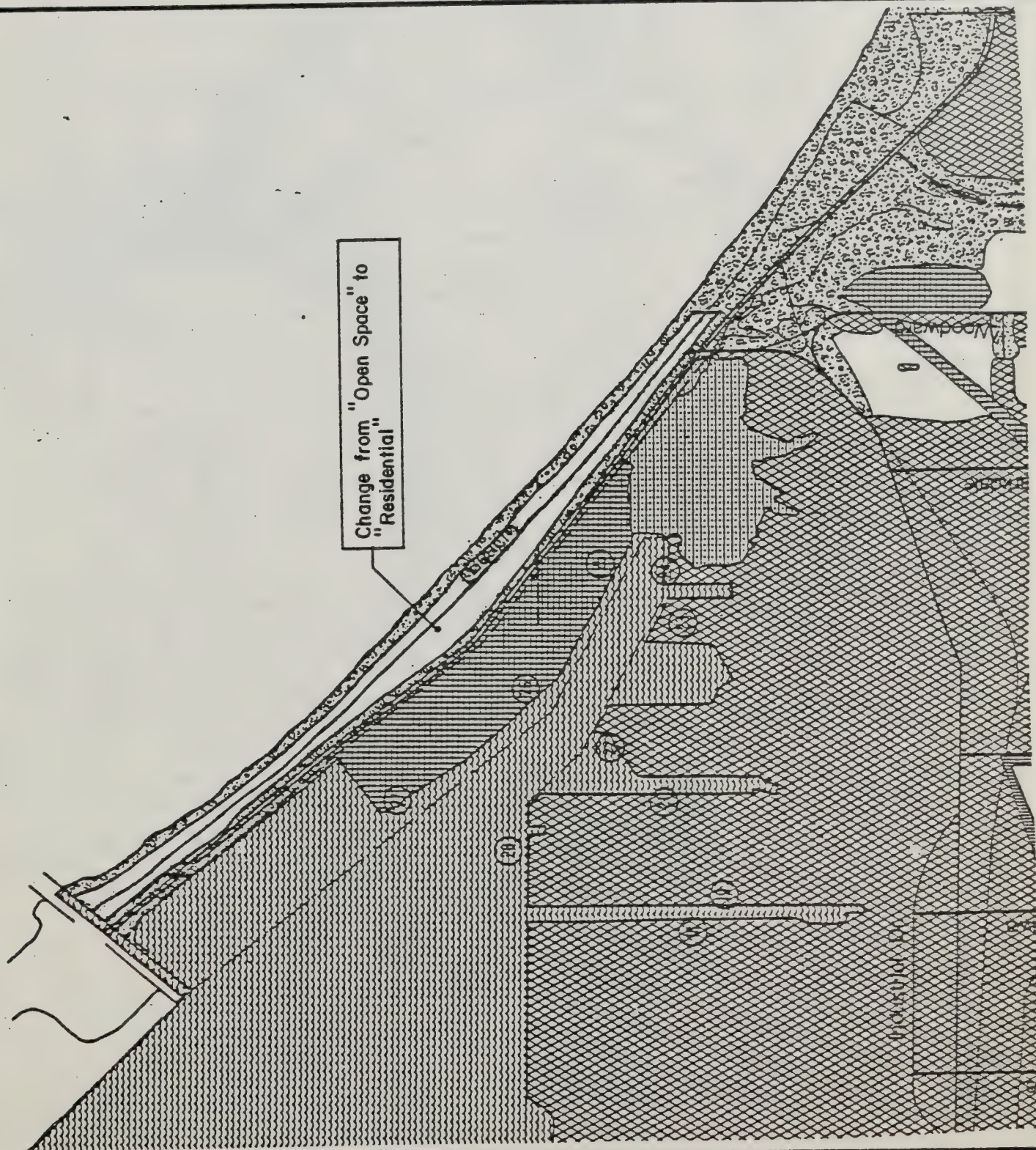
	Residential
	Commercial
	Industrial
	Open Space
	Open Water
	Major Institutional
	Utilities
	Central Policy Area
	Special Policy Area 'Windermere Basin'

⊙ Pier Numbers

\* Sub Regional Centre

Note: this plan is an excerpt from Schedule A to the Official Plan as approved by the Minister of Municipal Affairs and Housing.  
The Schedule for Council adoption will be the complete schedule.

Change from "Open Space" to "Residential"



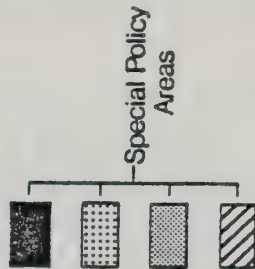


# Schedule B to draft amendment to the official plan for the City of Hamilton

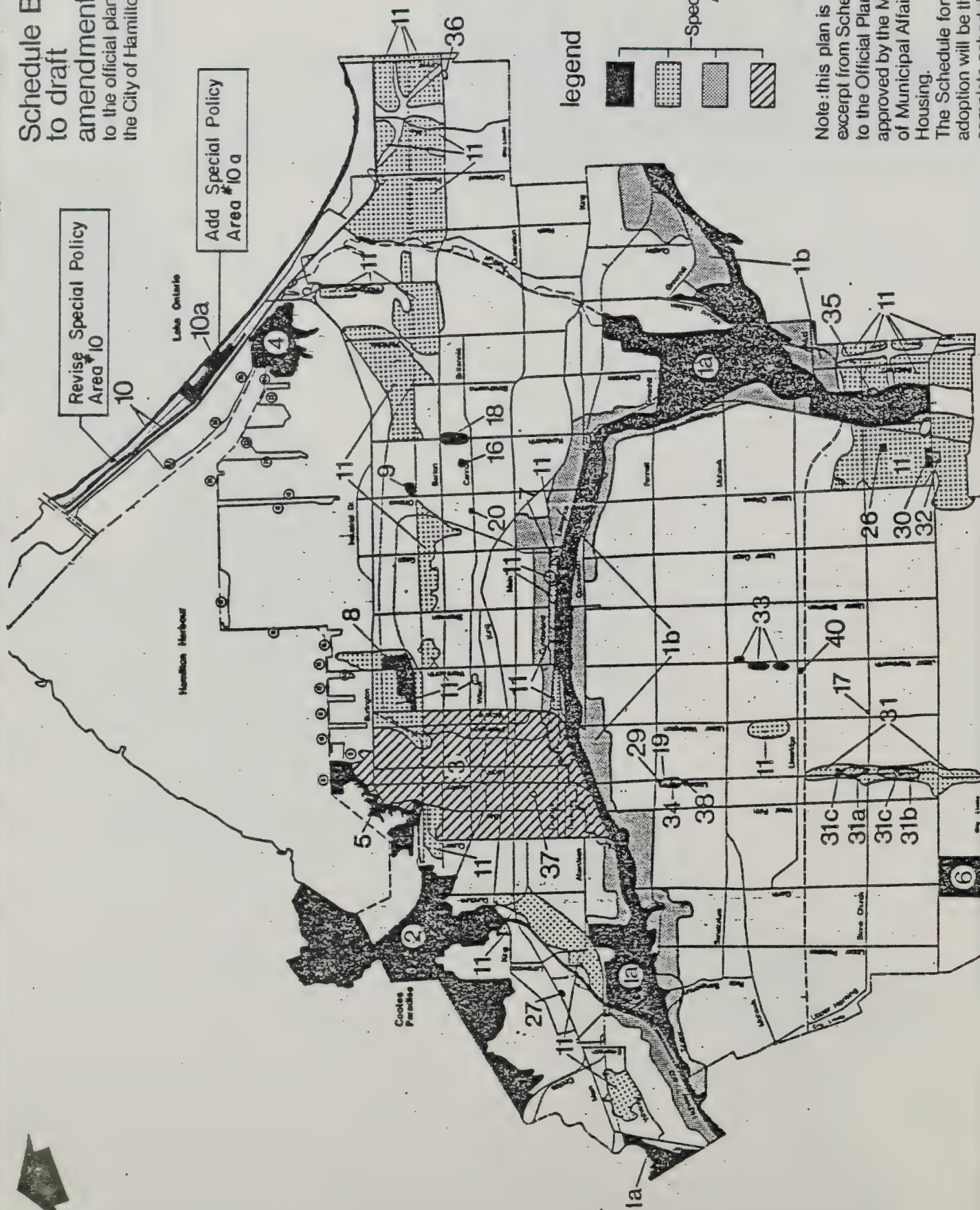
Revise Special Policy  
Area #10

Add Special Policy  
Area #10a

legend



Note: this plan is an  
excerpt from Schedule B  
to the Official Plan as  
approved by the Minister  
of Municipal Affairs and  
Housing.  
The Schedule for Council  
adoption will be the  
complete schedule.



F O R   A C T I O N

13.

REPORT TO:        SUSAN REEDER, SECRETARY  
                     PLANNING AND DEVELOPMENT COMMITTEE

FROM:             J. D. THOMS, COMMISSIONER  
                     PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 17  
COMM FILE:  
DEPT. FILE: ZA-88-17  
                     McQuesten East  
                     Neighbourhood

SUBJECT:

Modification to the established "C" (Urban Protected Residential, etc.) District - No. 373 Brunswick Avenue.

RECOMMENDATIONS

- a) That approval be given to an amended Zoning Application 88-17, Wallace Joseph Guitard, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the severance of the subject lands into two single family lots for the property at No. 373 Brunswick Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
    - a) That notwithstanding Section 9.(4) two single family lots having a minimum lot width of 9.1 m and minimum lot area of 278.7 m<sup>2</sup> each shall be permitted.
    - b) That notwithstanding Section 9.(3)(ii) of Zoning By-law No. 6593, the existing dwelling shall maintain a southerly side yard of 0.17 m.
    - c) That notwithstanding Section 18.(3)(vi)(a) the chimney of the existing dwelling shall be maintained within 0.0 m of the southerly lot line.
  - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-99 be notated S- ;

- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-99 for presentation to City Council.
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- b) That the by-law not be forwarded to City Council for passage until the applicant has received final approval of a land severance through the Regional Land Division Committee.

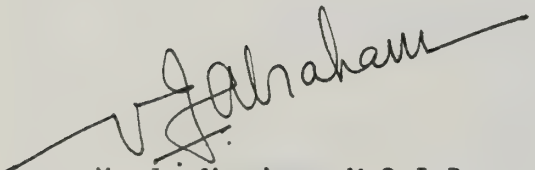
#### EXPLANATORY NOTE

The purpose of this by-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District provisions for the property located at No. 373 Brunswick Avenue.

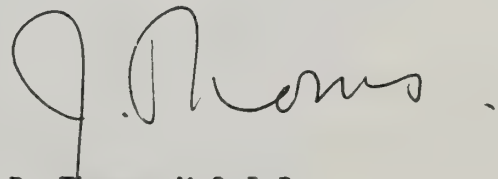
The effect of the by-law is to permit the severance of the subject lands for two single family dwellings.

In addition, the by-law provides for the following variances:

- o To create two building lots having a width of 9.1 m each whereas the by-law requires 12 m width.
- o To allow the existing dwelling to maintain existing yards.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

The applicant proposes to construct a single family dwelling on the vacant parcel of land south of the existing dwelling.

According to By-law No. 9357, the existing lot is not comprised of two lots of record. Therefore, the applicant is required to sever the parcel of land prior to any building permit being issued.



### APPLICANT

Wallace Joseph Guitard, owner.

### LOT SIZE AND AREA

- o 18.28 m (60 ft.) of lot frontage;
- o 30.48 m (100 ft.) of lot depth; and
- o 557.4 m<sup>2</sup> (6,000 sq. ft.) of lot area.

### LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	Northerly half of the site, a single-family dwelling Southerly half of the site vacant lands and an accessory garage	"C" (Urban Protected Residential, etc.) District
<u>SURROUNDING LANDS</u>		
To the north and west	Single-family and two-family dwellings	"C" (Urban Protected Residential, etc.) District
To the south and east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District

### OFFICIAL PLAN

Designated "Residential", the proposal complies.

### NEIGHBOURHOOD PLAN

There is no approved plan for the McQuesten East Neighbourhood.

### COMMENTS RECEIVED

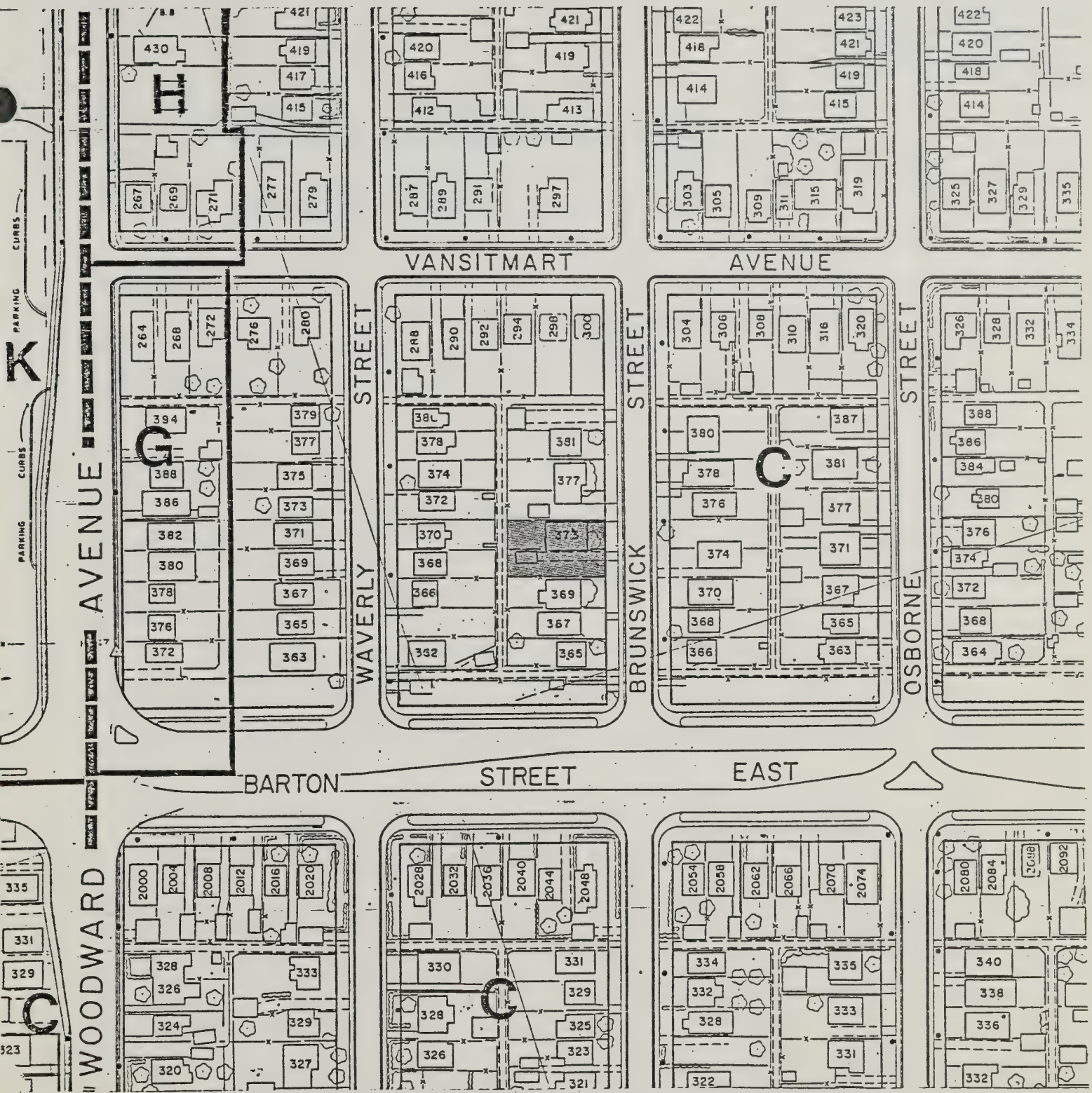
- o The Building Department has indicated variances are required.
- o The Traffic Department, Hamilton Region Conservation Authority, Local Architectural Conservation Advisory Committee staff have no comments or objections.
- o The Hamilton Wentworth Engineering Department has advised that:  
"....public watermains as well as combined storm and sanitary sewers are available to service the subject lands.

For the information of the applicant:

- we do not anticipate any further road allowance widenings at this time.
- according to the plans submitted, there is a hedge encroachment within the Brunswick Street road allowance. This encroachment is contrary to the Streets By-law and remains at the risk of the owner.
- any work within the road allowance must conform to the City of Hamilton Streets By-Law.
- the applicant should be advised that according to our records, the alley to the rear of the subject lands is public unassumed."

### COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal can be supported for the following reasons:
  - a) the proposed single family dwelling lot is in keeping with the size of the lots within the surrounding established residential area which include 9.1 m frontages to both the south and east.
  - b) it is an infill situation.
3. The variances requested are required to permit the existing building to maintain its location.
4. Since the existing lot is not comprised of two lots of Record, the applicant is required to sever the lot, in order to obtain a building permit. It is appropriate to hold the by-law in abeyance until the applicant has received approval from the Land Division Committee.



# LEGEND



SITE OF APPLICATION







FOR ACTION

14.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 20  
COMM FILE:  
DEPT. FILE: ZA-88-72  
CROWN POINT WEST NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District for vacant property municipally known as No. 60 Dalhousie Avenue.

RECOMMENDATIONS

That Zoning Application 88-72, Dan and Doreen Slavic, owners, requesting a change in zoning from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at No. 60 Dalhousie Avenue, be denied for the following reasons:

- i) The proposal represents an undesirable extension of the "H" (Community Shopping and Commercial, etc.) District into an established residential area, and as such, would establish a precedent and set the stage for future similar applications for properties adjacent to commercial development fronting along Ottawa Street North;
  - ii) The subject vacant parcel of land (9.14 m (30.0 ft.) x 24.38 m (80 ft.), 222.96 m<sup>2</sup> (2,400 sq. ft.)) is considered too small to permit a viable freestanding commercial development;
- b) That approval be given to an amended Zoning Application ZA-88-72, Dan and Doreen Slavic, owners, for change in zoning from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District for property located on No. 60 Dalhousie Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1986 to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit development of the subject lands until such time as a site plan is submitted and is approved by the Planning and Development Committee for the proposed parking lot.

Removal of the holding restriction shall be conditional upon the submission and approval by the Planning and Development Committee of a site plan for the parking lot. City Council may remove the 'H' symbol and thereby give effect to the "G-3" provisions as stipulated in this By-law by enactment of an amending By-law once the site plan is approved.

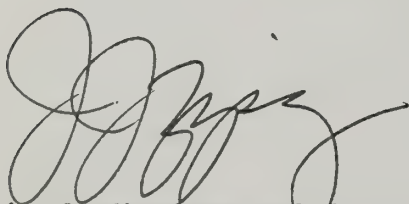
- ii) That the subject lands be rezoned from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "G-3" - 'H' (Public Parking Lots) District;
- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District map E-43 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

#### EXPLANATORY NOTE

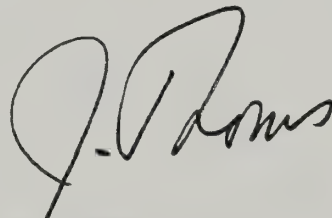
The purpose of this by-law is to provide for a change in zoning from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "G-3" - 'H' (Public Parking Lots) District for property located at No. 60 Dalhousie Avenue, as shown on the attached map marked as APPENDIX "A". The amending By-law applies to the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until such time as a site plan is submitted and approved by the Planning and Development Committee for the parking lot use.

Once the site plan is approved, City Council may remove the 'H' symbol by passing an amending By-law.

The effect of this by-law is to permit a parking lot to be established on the site.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



## FINANCIAL IMPLICATIONS

N/A.

## BACKGROUND

The subject lands were previously occupied by a single-family dwelling which was run down and in need of repair. Under the Property Standards By-law, the applicant was advised by the Building Department to take remedial action. On March 29, 1977, the applicant applied for a demolition permit, and in correspondence sent by the Building Department, the applicant was advised that a parking lot was not permitted in a "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District. A rezoning application is required to permit the parking lot use. On September 15, 1988, the Building Department confirmed that the single-family dwelling had been demolished.

## CURRENT PROPOSAL

It is the applicants' intention at this time to rezone the subject lands to permit the site to be used commercially, either for a parking lot or for a future building site.

## APPLICANTS

Dan and Doreen Slavic, owners.

## LOT SIZE AND AREA

- 0.14 m (30.0 ft.) of lot frontage on Dalhousie Avenue;
- 24.38 m (80.0 ft.) of lot depth; and,
- 222.96 m<sup>2</sup> (2,400 sq. ft.) of lot area.

## LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
To the north	Single-family dwellings and a service station	"D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District

To the south	Single-family and two-family dwellings	"D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District
To the east	Service station	"H" (Community Shopping and Commercial, etc.) District
To the west	Single-family dwellings	"D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District

### OFFICIAL PLAN

Designated "Industrial" on Schedule "A" - Land Use Concept Plan of the Official Plan, and subject to the following policies:

- D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas are only intended to be general and not to define the exact limits of any land use of policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the zoning by-law without the necessity of further amending the Official Plan, so long as such by-laws conform to the general intent and purpose of this Plan.
- A.2.3.1 The primary uses permitted will be for Industry, defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary uses, the following uses may be permitted within INDUSTRIAL areas:
- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
  - ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
  - iii) Uses which have characteristics or functional requirements similar to Industries;
  - iv) Residences for maintenance staff of a principal use;
  - v) Research and development facilities;

- vi) Public and private transportation terminals, highway and road-related services (e.g., automotive service stations); and,
- vii) All uses which, in the opinion of Council, complement and do not interfere with or detract from, the primary functions of the area.

Since the requested "H" zoning permits a variety of commercial uses, it should be noted that only those commercial uses which meet the provisions of additional permitted uses, as set out in Policy A.2.3.1 may be permitted. Consequently, a parking lot use in conjunction with the adjoining service station would comply. However, pure commercial-type uses would not comply.

### NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Crown Point West Neighbourhood Plan, the proposal does not comply.

### COMMENTS RECEIVED

- The Building Department has advised that:

"If the proposal is approved, the west and south lot lines will abut residential zoning districts. Therefore, clauses 11 and 12 of Section 18A of Zoning By-law No. 6593 will apply to the property."

- The Traffic Department has advised that:

"It is our understanding that the applicant plans on using the property as a parking area for his business to the east. On this basis, we support the application.

However, we would suggest that proper visual screening be provided to shield the adjacent residential properties."

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

Any work within the Dalhousie Avenue road allowance must conform to the City's Streets By-laws."

- The Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections.



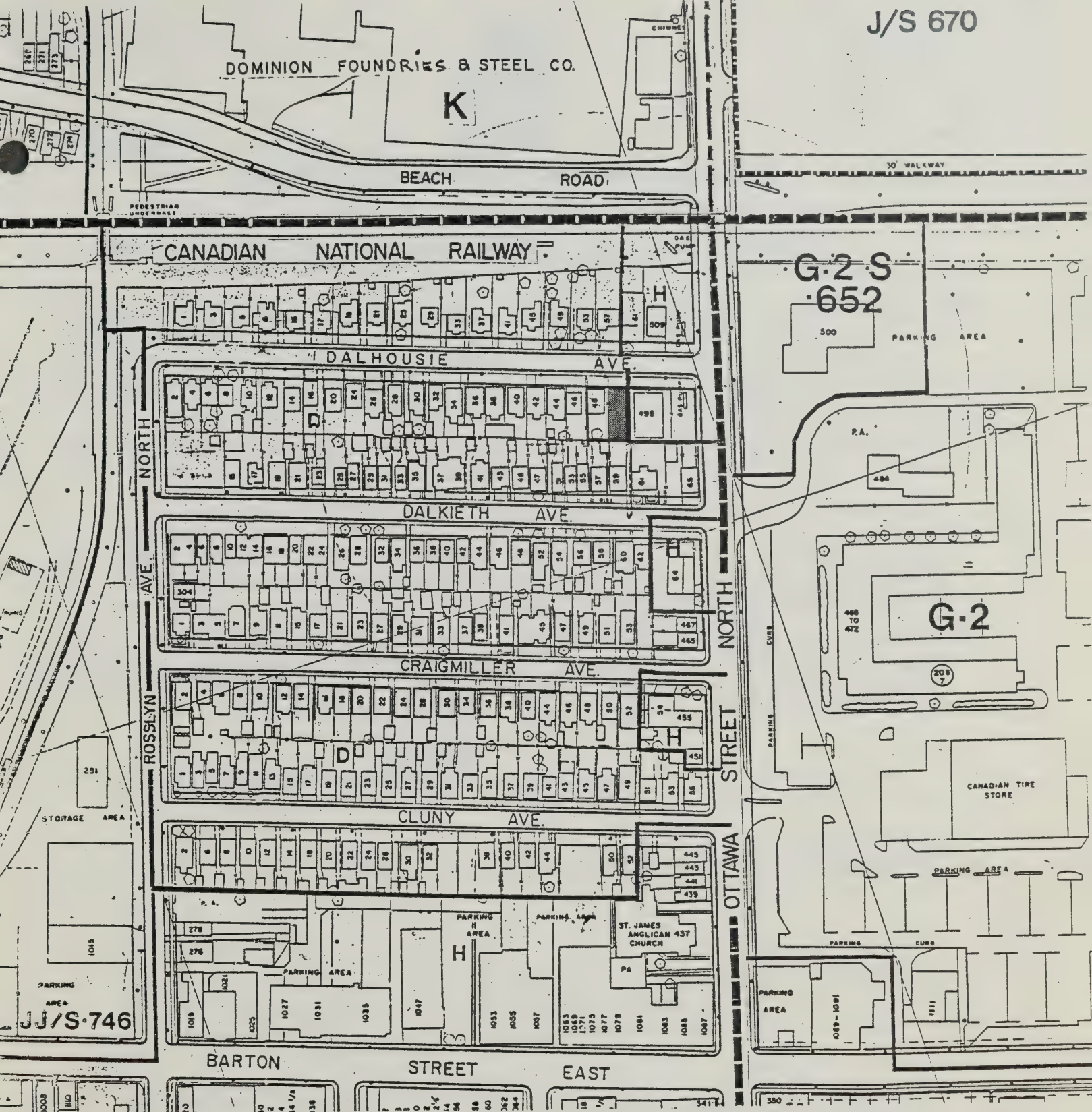
## COMMENTS

1. On the basis that the subject lands are used as a parking lot in conjunction with the adjoining commercial business, the proposal complies.
2. The proposal does not comply with the approved Crown Point West Neighbourhood Plan.
3. The requested change in zoning to "H" (Community Shopping and Commercial, etc.) District cannot be supported for the following reasons:
  - o It represents an undesirable intrusion of a commercial use into an established residential area, and as such, would establish a precedent and set the stage for future similar applications for properties adjacent to commercial development fronting onto Ottawa Street North;
  - o The subject vacant parcel of land (9.14 m (30.0 ft.) x 24.38 m (80.0 ft.) 222.96 m<sup>2</sup> (2,400 sq. ft.) is considered too small to permit a viable freestanding commercial development;
4. Consideration could be given to an amended zoning application for a change in zoning from "D" (Urban Protected Residential - One- and Two-Family Dwellings, Townhouses, etc.) District to a "G-3" (Public Parking Lots) District to permit parking associated with the adjoining commercial use. In this regard, the "G-3" District would not permit the construction of any buildings, except one for a parking lot attendant, not exceeding 4.0 m (13.12 ft.) in height and having an area not more than 6.0 m<sup>2</sup> (64.58 sq. ft.), if required.

In addition, the "G-3" District requires a 1.5 m wide landscaped planting strip and a 1.2 m (3.84 ft to 2.0 m (6.56 ft.) high visual barrier where a parking lot adjoins a residential district boundary, as well as a 6.0 m (19.69 ft.) front yard set back for the parking lot within 3.0 m (9.84 ft.) of a residential district. The "G-3" District is also subject to the provisions of Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223, and requires the submission of a site plan. However, as a Building Department permit is not required for a parking lot, it is suggested that should the application be approved, that it be subject to Section 35(1) of The Planning Act R.S.O. 1986, whereby Council may, in a By-law use a holding symbol 'H' in conjunction with any zoning district. The zoning district with a holding symbol specifies the use to which lands, buildings or structures may be used at such time in the future when the holding symbol is removed by the passage of an amending By-law by City Council.

## CONCLUSION

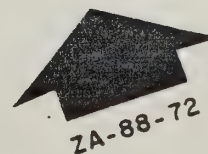
On the basis of the foregoing, the proposal to permit commercial development under an "H" zoning be denied. However, consideration could be given to an amended application to permit a parking lot under a "G-3" (Public Parkings Lots) District.



# LEGEND



SITE OF THE APPLICATION





CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4**THE CORPORATION OF THE CITY OF HAMILTON**

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from D. and D. SLAVIC, owners for a change in zoning from "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property municipally known as No. 60 Dalhousie Avenue, as shown on the attached map.

The purpose of the proposed change in zoning is to permit future commercial use or a parking lot, for the subject property.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in the Council Chamber, City Hall on Wednesday October 26, 1988 at 3:00 p.m. and you are invited to attend at that time.

Secretary  
Planning and Development Committee

For Inquiries, please call  
Planning and Development Department  
City Hall 526-4445

/ma  
October 7, 1988



FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 19  
COMM FILE:  
DEPT. FILE: ZA-88-74  
Thorner  
Neighbourhood

SUBJECT:

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District - property located at the rear of No. 635 Limeridge Road East.

RECOMMENDATION

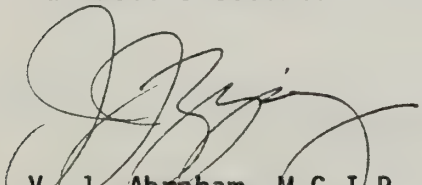
That approval be given to Zoning Application 88-74, Mr. & Mrs. L. D'Angelo, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of No. 635 Limeridge Road East, as shown on the attached plan marked as APPENDIX "A", on the following basis:

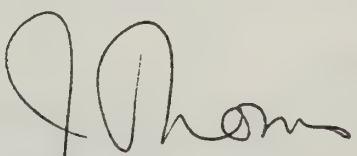
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- ii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-38A for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear portion of lands at No. 635 Limeridge Road East, as shown on the attached plan marked as APPENDIX "A".

The effect of the By-law is to establish uniform zoning of the lands, thereby allowing for the construction of two single-family dwellings fronting onto Parkwood Crescent.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### Land Severance Applications

At its meeting held on July 29, 1988 the Regional Land Division Committee considered and approved Land Severance Applications H-128-88 and H-129-88 to establish two lots fronting onto Parkwood Crescent and to retain a lot fronting onto Limeridge Road East. (see attached survey plan marked as APPENDIX "B").

Approval of the land severance application is conditional upon final approval of the subject zoning application.

## COMMENTS RECEIVED

- The Building Department, Local Architectural Conservation Advisory Committee Staff, Hamilton Region Conservation Authority and the Traffic Department have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:  
"public watermains as well as sanitary and storm sewers are available to service the subject lands".

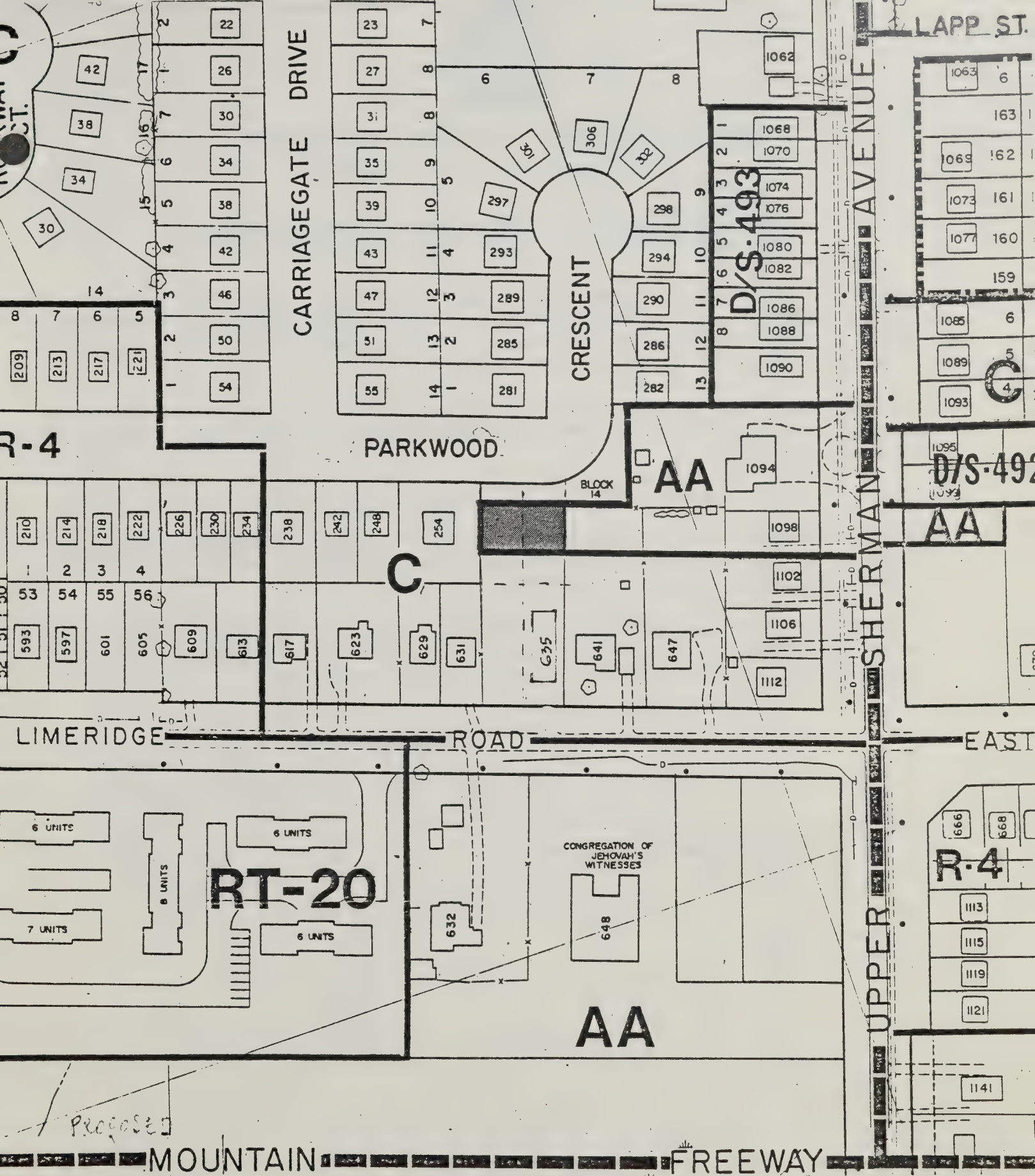
## COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the approved Thorner Neighbourhood Plan.
3. The proposal can be supported for the following reasons:
  - i) it implements the Official Plan;
  - ii) it implements the intent of the approved Thorner Neighbourhood Plan;
  - iii) it establishes uniform zoning of the subject lands;
  - iv) it is compatible with existing and future development contemplated in this area and will not interfere with the orderly development of the neighbourhood;
  - v) it implements the conditions of approval of the land severance set out by the Region Land Division Committee.

## CONCLUSION

On the basis of the foregoing, the application can be supported.

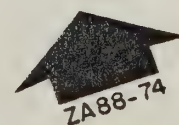
GAW:bk  
W.P. 0136P



# Legend



Site of the Application







CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4

## THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

### PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from L. and Y. D'ANGELO, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands at the rear of property municipally known as No. 635 Limeridge Road East, as shown on the attached map.

The purpose of the proposed change in zoning is to subdivide the subject land, to create two building lots for single-family detached dwellings, fronting on Parkwood Crescent.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in the Council Chamber, City Hall, on Wednesday October 26, 1988 at 3:00 p.m. and you are invited to attend at that time.

Secretary  
Planning and Development Committee

For Inquiries, please call  
Planning and Development Department  
City Hall, 526-4445

/ma  
October 7, 1988

ETCH FOR LAND DIVISION COMMITTEE  
 PART OF  
 LOT 9, CONCESSION 6  
 FORMERLY IN THE  
 TOWNSHIP OF BARTON  
 NOW IN THE

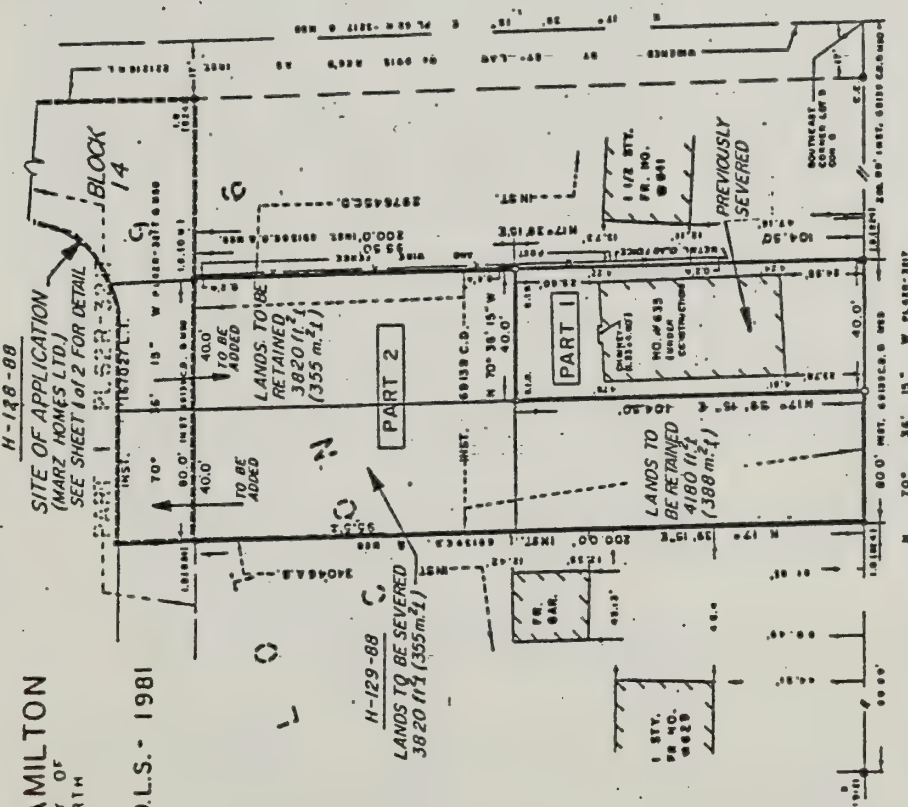
CITY OF HAMILTON  
 REGIONAL MUNICIPALITY OF  
 HAMILTON - WENTWORTH

SCALE: N.T.S.

A.T. McLAREN, O.L.S. - 1981

PLAN 62R  
 RECEIVED AND DEPOSITED  
 DAY.....  
 LAW REGISTRAR FOR THE  
 REGISTRY DIVISION OF  
 WENTWORTH  
 I REQUIRE THIS PLAN TO BE  
 DEPOSITED UNDER THE  
 REGISTRY ACT.  
 DATE.....  
 A.T. McLAREN, O.L.S.

S	C	H	E	D	U	L	E
PART	LOT	CON	INST	NO.	AREA		
1	9	6	89139 C.D.	4178 sq. ft.			
2				11,910 sq. ft.			



LIMERIDGE ROAD EAST ROAD ALLOWANCE BETWEEN CORN. 6 & 7

A.T. McLAREN, O.L.S. - 1986. NO PERSON MAY  
 COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS  
 PLAN IN WHOLE OR IN PART WITHOUT THE  
 WRITTEN PERMISSION OF A.T. McLAREN, O.L.S.

A.T. McLAREN LIMITED  
 ONTARIO LAND SURVEYORS  
 88 PROQUESTER, MISSISSAUGA, ONT.  
 L7P 5B5, SEP. 20/81

Surveyor's Certificate  
 I CERTIFY THAT THE ABOVE PLAN AND CERTIFICATE ARE IN ACCORDANCE WITH  
 THE SURVEY ACT AND THE REGISTRY ACT AND THAT THE SURVEYOR  
 HAS THE NECESSARY QUALIFICATIONS AND IS A MEMBER OF THE  
 ASSOCIATION OF PROFESSIONAL SURVEYORS OF ONTARIO  
 400M TO SHOW SEVERANCE  
 SEPT 28, 1986  
 DATE 10/10/81  
 A.T. McLAREN, O.L.S.





# FOR ACTION

# 16.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 18  
COMM FILE:  
DEPT. FILE: ZA-88-75  
Butler  
Neighbourhood

## SUBJECT:

Request for a change in zoning - lands on the east side of Upper Wentworth Street and south of Balharbour Drive.

## RECOMMENDATION

That approval be given to Zoning Application 88-75, Wellington Chase Inc., prospective owner, requesting changes in zoning from the "AA" (Agricultural) District to the "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District and the "RT-20" (Townhouse - Maisonette) District to permit the development of single-family, two family and townhouse dwellings, for property located on the east side of Upper Wentworth Street and south of Balharbour Drive, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

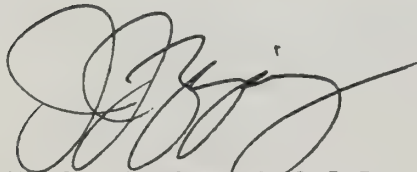
- i) That the lands shown as Block "1" be rezoned from the "AA" (Agricultural) District to the "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District;
- ii) That the lands shown as Block "2" be rezoned from the "AA" (Agricultural) District to the "RT-20" (Townhouse - Maisonette) District;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27C and E-27D for presentation to City Council;
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

## EXPLANATORY NOTE

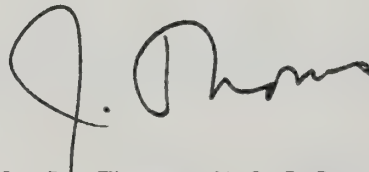
The purpose of the By-law is to provide for changes in zoning for the lands located on the east side of Upper Wentworth Street and south of Balharbour Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Block "1" - Change from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.
- Block "2" - Change from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

The effect of the By-law is to permit the development of Block "1" for single-family and semi-detached dwellings, and Block "2" for townhouses.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

The applicant has requested changes in zoning for the lands shown on the attached APPENDIX "A", on the following basis:

Block "1" - Change from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.

Block "2" - Change from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

The purpose of the proposed changes in zoning is to permit development of single-detached dwellings and semi-detached dwellings for Block "1", and townhouses for Block "2".

#### APPLICANT

Wellington Chase Inc., prospective owner.

## LOT SIZE AND AREA

The subject properties have approximately:

	<u>Block "1"</u>	<u>Block "2"</u>	<u>TOTAL</u>
• lot frontage on Upper Wellington	30 m (98.4 ft.)	71.495 m (234.5 ft.)	101.495m (332.9 ft.)
• lot frontage on Balharbour Drive	95.266 m (312.5 ft.)	N/A	95.266 m (312.5 ft.)
• lot area	5,002 m <sup>2</sup> (53,843 sq.ft.)	4,682.5 m <sup>2</sup> (50,403 sq.ft.)	0.9 ha (2.39 ac)

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant.	"AA" (Agricultural) District.
<u>SURROUNDING LANDS</u>		
to the north	Single-family dwellings.	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified.
to the south and east	Vacant.	"RT-20" (Townhouse - Maisonette) District, "D" District, modified and "AA" (Agricultural) District.
to the west	Single-family dwellings and vacant.	"C" (Urban Protected, Residential etc.) District and "G-1" (Designed Shopping Centre) District.

## OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies.

## NEIGHBOURHOOD PLAN

The subject lands are designated for "SINGLE AND DOUBLE RESIDENTIAL" (Block "1"), and "ATTACHED HOUSING" (Block "2") in the approved Butler Neighbourhood Plan. The proposal complies.



### RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - LACAC
  - Hamilton Region Conservation Authority
  - Traffic Department
  - Building Department
- The Hamilton-Wentworth Department of Engineering has not responded to date.

### COMMENTS

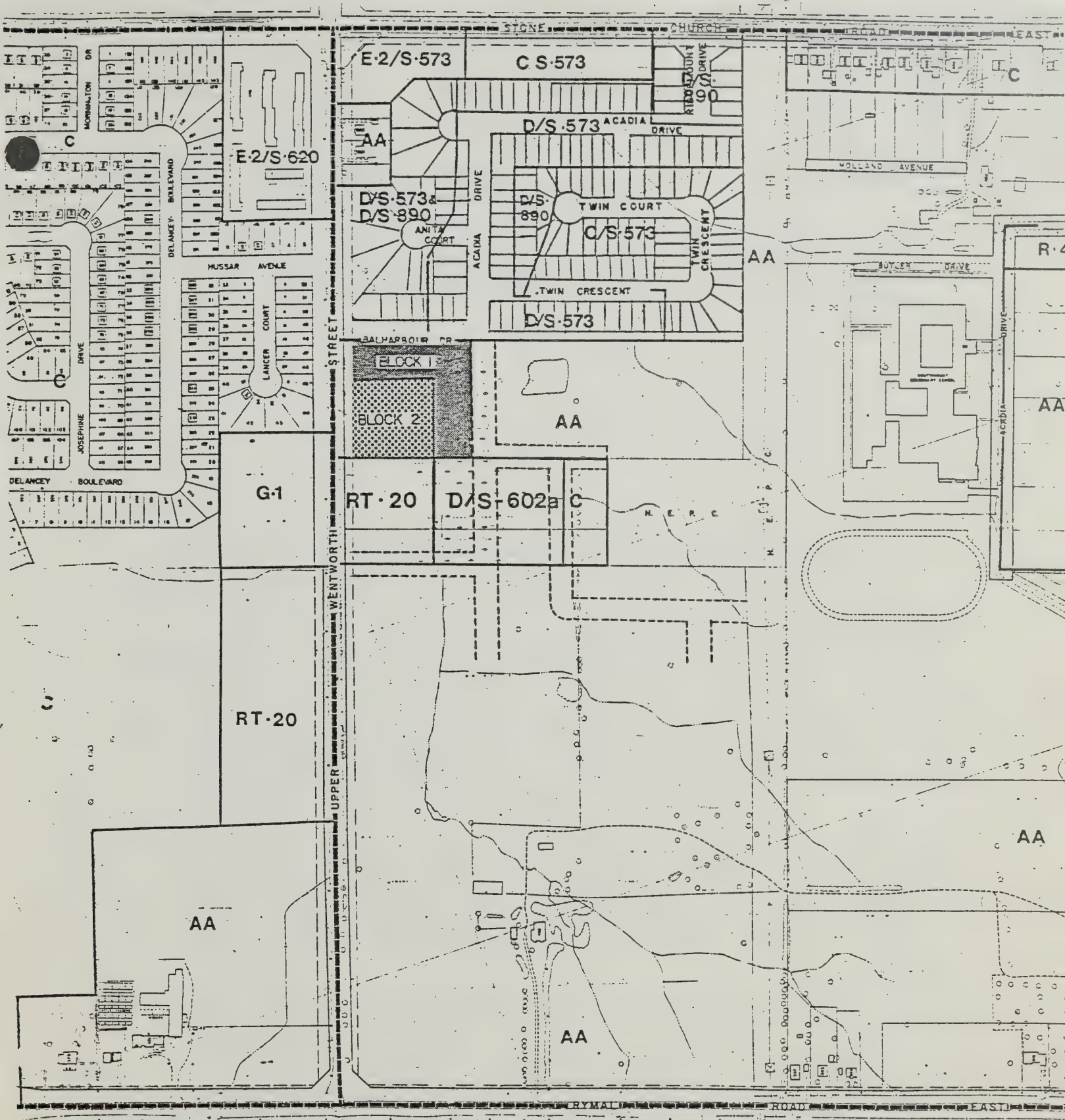
1. The proposal complies with the intent of the Official Plan and the approved Butler Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
  - it implements the intent of the Official Plan;
  - it implements the intent of the approved Butler Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use (Block "1"), and "ATTACHED HOUSING" (Block "2");
  - it would be compatible with existing and future intended uses in the surrounding area.
3. Development of the townhouses (Block "2") would be subject to Site Plan Approval, thereby allowing for the review of access, parking, landscaping, etc.

### CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma

WP0482P



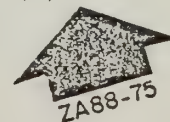
### Legend

Proposed change in zoning from "AA"(Agricultural) District to:



"R-2"(Urban Protected Residential - one and two family dwellings, etc.) District

"RT-20"(Townhouse - Maisonette) District



APPENDIX A





FOR ACTION

17.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 18  
COMM FILE:  
DEPT. FILE: ZA-88-69  
Ryckmans  
Neighbourhood

SUBJECT:

Request for a change in zoning - Nos. 1405, 1411 and 1417 Upper James Street.

RECOMMENDATION

That approval be given to Zoning Application 88-69, J. Paisley, In Trust, prospective owner, requesting changes in zoning from the "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to the "HH" (Restricted Community Shopping and Commercial, etc.) District, to permit retail commercial uses (e.g. hotel, car dealership, restaurant) for properties located at Nos. 1405, 1411 and 1417 Upper James Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amended By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "HH" provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers have been installed.

- ii) That the lands shown as Block "1" be rezoned from the "AA" (Agricultural) District to the "HH" - 'H' (Restricted Community Shopping and Commercial) District.
- iii) That the lands shown as Block "2" be rezoned from the "C" (Urban Protected Residential, etc.) District to the "HH" - 'H' (Restricted Community Shopping and Commercial) District;
- iv) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 be modified to include the following variances as special requirements:

- a) That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24.0 m shall be provided.
- b) That a minimum 3.0 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the easterly rear lot line.
- c) That a minimum 3.0 m wide landscaped area, excluding vehicular access, be provided and maintained adjacent to the Upper James Street road allowance.
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-9C be notated S- ;
- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
- vii) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 60 by the Regional Municipality of Hamilton-Wentworth.

#### EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the properties located at Nos. 1405, 1411 and 1417 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) Block "1" - Change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified.
- (b) Block "2" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified.

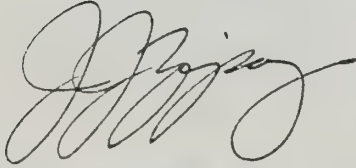
The amending By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing an amending By-law.

The effect of the By-law is to permit development of the property for retail commercial use (e.g. hotel, car dealership, restaurant).

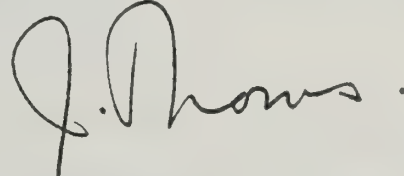
In addition, the By-law provides for the following modifications as special requirements:

- requires a minimum 3.0 m wide landscaped area, excluding vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance;

- requires a minimum 24.0 m building setback from the front lot line;
- requires a minimum 3.0 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 in height to be provided and maintained along the easterly rear lot line.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

The applicant has requested changes in zoning as shown on APPENDIX "A", on the following basis:

Block "1" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The purpose of the proposed changes in zoning is to permit retail commercial uses such as a hotel, car dealership, restaurants, etc.

#### APPLICANT

J. Paisley In Trust, prospective owner.

#### LOT SIZE AND AREA

The subject property has a total of approximately:

- 76.0 m (249.36 feet) of frontage on Upper James Street; and
- 1.3 ha (3.31 ac) of lot area.



## LAND USE AND ZONING

<u>SUBJECT LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
	Single-family dwelling and vacant.	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District.
<u>SURROUNDING LANDS</u>		
to the north	Single-family dwelling, Barton Community Centre and vacant.	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District.
to the south	Single-family dwellings and vacant.	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District.
to the east	Park.	"AA" (Agricultural) District.
to the west	Commercial and vacant.	"H" (Community Shopping and Commercial, etc.) District.

## OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan by Official Plan Amendment No. 60 (not yet approved).

In addition, the lands are included in "Special Policy Area 31" and "31b" which provides for retail/warehouse uses.

On the basis of the foregoing, the proposal complies with the intent of Official Plan, subject to the approval of OPA NO. 60 by the Regional Municipality of Hamilton-Wentworth.

## NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL AND RETAIL WAREHOUSE" in the approved Ryckmans Neighbourhood Plan. The proposal complies.

## RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - Hamilton Region Conservation Authority;
  - LACAC;
  - Building Department.

- The Traffic Department has advised as follows:

"...we have reviewed the above-noted application and find it satisfactory.

For the site plan control application, we suggest that the applicant show on the submitted plan all street fixtures such as poles, fire hydrants, trees, etc. This will aid in speeding approval of the application and will be required for a driveway approach approval."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Please be advised that public watermains are available to service the subject lands. Sanitary and storm sewers are not yet installed in this area. We anticipate construction to start in 1989.

The designated road allowance width of Upper James Street is 36.58m (120 ft.). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region for road widening purposes (Plan Misc. 355).

Any work within the Upper James Street road allowance, as widened, must conform to the Region's Roads Use By-law.

The applicant is advised that any roadway improvements required as a result of this development, will be at the expense of the owner/applicant.

The details of these improvements will be determined at the site plan stage.

The applicant should also be aware that the future reconstruction and widening of Upper James Street may result in raised concrete median islands which may restrict access to the subject lands."

#### COMMENTS

1. The proposal would comply with the intent of the Official Plan, subject to the approval of OPA NO. 60 by the Regional Municipality of Hamilton-Wentworth.
2. The proposal complies with the intent of the approved Ryckmans Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - it implements the intent of the Official Plan as amended by OPA No. 60 (not yet approved);
  - it implements the intent of the approved Ryckmans Neighbourhood Plan which designates the subject lands for "COMMERCIAL AND RETAIL WAREHOUSE " use; and
  - it would be compatible with future intended uses in the surrounding area.

4. The subject lands are located within the area subject to the "Urban Design Guidelines - Upper James Street Corridor". Accordingly, the development should satisfy the following applicable requirements:
- A landscaped strip at least 3.05 m (10 feet) wide shall be located adjacent to the Upper James Street road allowance.
  - A 21.34 m (70 foot) wide front service road shall be located next to the landscaped strip.
  - Retail/warehouse establishments shall be located 24.39 m (80 feet) from the front lot line.
  - A 3.05 m (10 foot) wide landscaped strip shall be provided along the rear lot line.

In addition, a 1.2 m - 2.0 m high visual barrier should be provided along the rear lot line to mitigate potential impacts on the adjoining park.

5. The Hamilton-Wentworth Department of Engineering has advised that the lands are not fully serviced at this time. It is expected that sewers will be installed in the latter part of 1989. In this regard, it would be appropriate to approve the application subject to Section 35(1) of The Planning Act, R.S.O. 1983, whereby Council may in a By-law use a holding symbol "H" in conjunction with any zoning district.

The holding symbol specifies the use(s) to which the lands may be put at such time in the future when the holding symbol is removed by amendment to the By-law.

6. Development of the subject lands would be subject to Site Plan Approval, thereby allowing for the review of access, parking, landscaping, road widenings, etc.

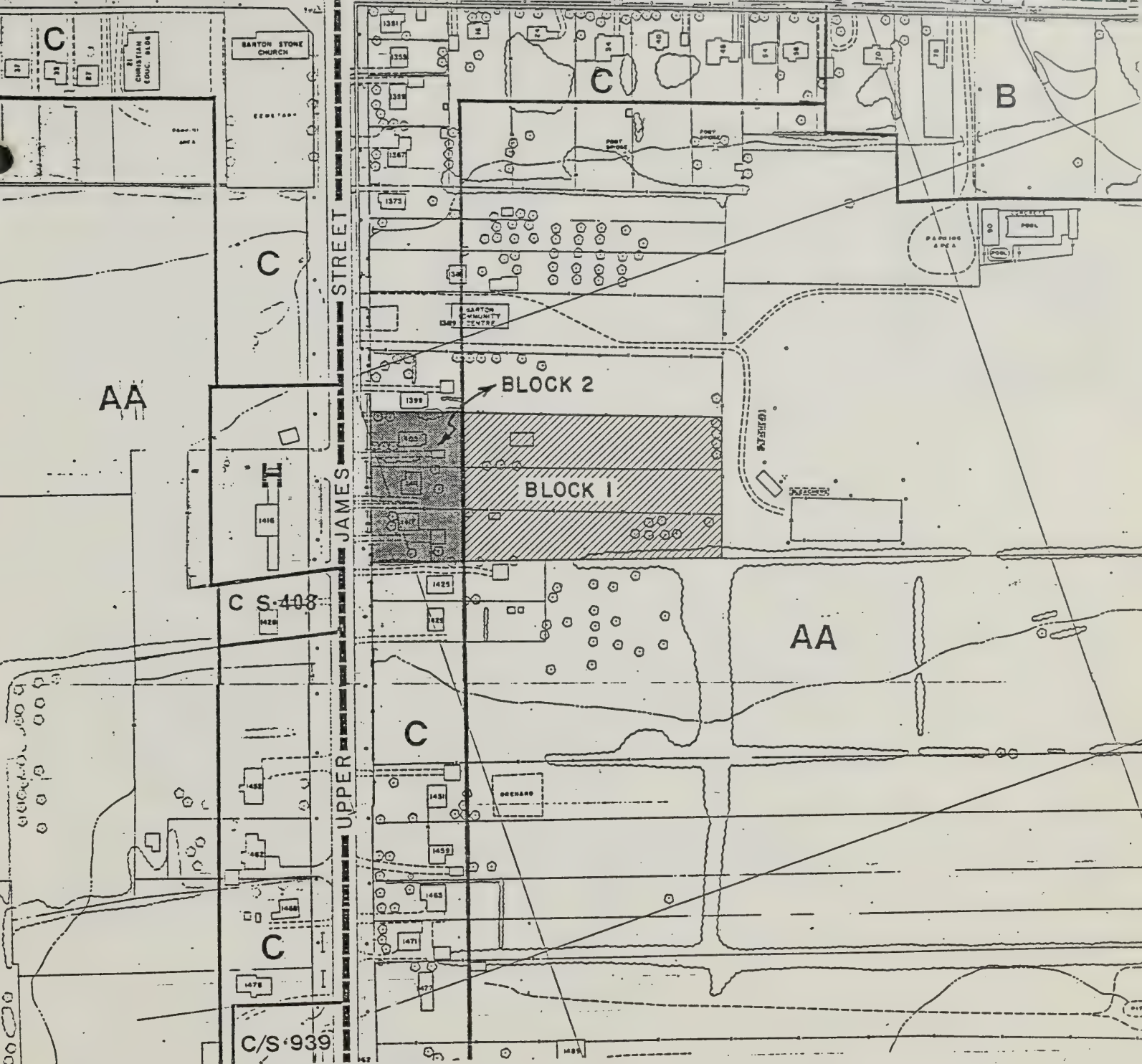
#### CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma

WP0482P







1428 Upper James Street,  
Hamilton, Ontario,  
L9B 1K3

October 16, 1988

17a.

Planning and Development Committee,  
The Corporation of the City of Hamilton,  
City Hall, Hamilton,  
Ontario,  
L8N 3T4

OCT 18 1988

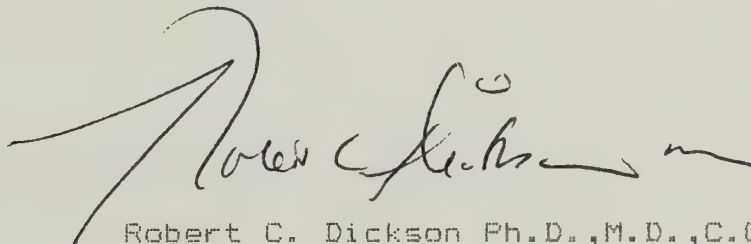
Re: File # ZA-88-69  
Changes in Zoning and Official Plan

Dear Sirs:

I disagree with both the Zoning and Official Plan changes proposed. Continued piecemeal commercial development on Upper James Street is not compatible with the nature of the neighborhood which contains one of the oldest churches in the area. There is no justification for unlimited commercial development to extend Upper James Street into a strip of small businesses which are unnecessary and would only result in an increase in traffic and noise, and destroy the setting into which I chose to locate my medical practice.

Not only are there no sewers in the area proposed for rezoning but there seems no concerted approach to ensure even a modicum of historical or aesthetic continuity. Development for development's sake seems the prime force behind changes which I fear will push our area ever closer to a major recession.

Sincerely,



Robert C. Dickson Ph.D., M.D., C.C.F.P.





ROBERT J. MORRIS, P.ENG.

1452 UPPER JAMES ST.

HAMILTON, ONTARIO

CANADA L9B 1K3

AUG 3 1988

17b.

July 28, 1988

Planning and Development Committee,  
The Corporation of the City of Hamilton.

Attention: Committee Secretary

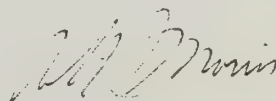
Reference: File # ZA88-69

Dear Sir/Madam:

The above application is contrary to the intent of both the  
Neighbourhood Plan and the Official Plan.

I object to the application and request to be notified of  
any future meetings or actions with respect to this appli-  
cation.

Yours truly,



Robert J. Morris

RJM/lm





F O R   A C T I O N

18.

REPORT TO:        SUSAN REEDER, SECRETARY  
                     PLANNING AND DEVELOPMENT COMMITTEE

FROM:             J. D. THOMS, COMMISSIONER  
                     PLANNING AND DEVELOPMENT DEPARTMENT

DATE:    1988 October 7  
COMM FILE:    Z4-88-87  
DEPT. FILE:    Ryckmans  
                     Neighbourhood

SUBJECT:

Request for changes in zoning for property located at No. 1375 Upper James Street.

RECOMMENDATION

That approval be given to Zoning Application 88-87 Robert Ernest Smith and Joyce Marilyn Smith, owners, requesting changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Shopping and Commercial etc.) District, modified, to permit the development of the subject lands for retail and warehouse commercial uses, for property located at No. 1375 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amending By-Law apply the holding provisions of Section 35 (1) of the Planning Act R.S.O. 1986 to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands. City Council may remove the 'H' symbol, and thereby give effect to the "HH" provisions as stipulated in this By-Law by enactment of an amending By-Law once municipal sewers have been installed.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "HH"-'H' (Restricted Community Shopping and Commercial) District.
- iii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH"-'H' (Restricted Community Shopping and Commercial, etc.) District.
- iv) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-Law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement.

- a) That notwithstanding Section 14A (1)(C) and Section 14(1) (xvii), the storage of goods to be manufactured, assembled or sold may occupy a maximum of 50% of the floor area.
- b) That notwithstanding Section 14A (3)(a) a front yard of a depth of at least 24.0 m shall be provided.
- v) That a minimum 3.0 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the easterly rear property line.
- vi) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule 5 - , and that the subject lands on Zoning District Map E-9C be notated S- ;
- vii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-9C for presentation to City Council.
- viii) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 60 by the Regional Municipality of Hamilton-Wentworth.

#### EXPLANATORY NOTE:

The purpose of this By-Law is to provide for changes in zoning for property located at No. 1375 Upper James Street on the following basis:

- Block "1" Change from "AA" (Agricultural) District to "HH"-'H' (Restricted Community Shopping and Commercial, etc.) District, modified.
- Block "2" Change from "C" (Urban Protected Residential, etc.) District to "HH"-'H' (Restricted Community Shopping and Commercial, etc.) District, modified;

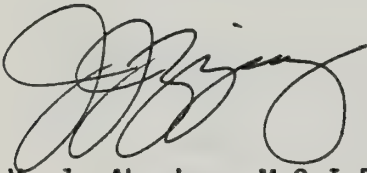
as shown on the attached map marked as APPENDIX "A". The amending By-Law applies the holding provisions (as denoted by the 'H' suffix) of Section 35 (1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing an amending By-Law.

The effect of this By-Law is to permit the development of the subject lands for retail and warehouse commercial uses.

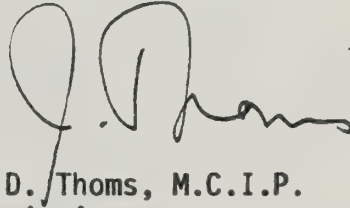
In addition, the By-Law provides for the following variances as special requirements:

- permits storage of goods to occupy a maximum of 50% of the floor area which may be used for storage purposes whereas 25% is currently permitted;

- o requires a 3.0 m wide landscape strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the easterly rear lot line;
- requires a minimum 24.0 m building setback from the front lot line.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

It is the applicants' intention to rezone the subject lands to permit commercial and retail warehouse uses similar to those recently approved for development on adjoining lands to the south (ZA-88-40), and in accordance with the approved Ryckmans Neighbourhood Plan. The existing dwelling is to be converted for commercial or business and professional office use.

#### APPLICANT

Robert Ernest Smith and Joyce Marilyn Smith, owners.

#### LOT SIZE AND AREA

- 15.24 m (50.0 ft.) of lot frontage on Upper James Street;
- 177.08 m (580.99 ft.) of lot depth; and,
- 2698.7 m<sup>2</sup> (29,049.5 sq. ft.) of lot area.

#### LAND USE AND ZONING

##### SUBJECT LANDS

##### EXISTING LAND USE

single-family dwelling  
and vacant land.

##### EXISTING ZONING

"AA" (Agricultural)  
District and "C" (Urban  
Protected Residential,  
etc.) District.



### SURROUNDING LANDS

to the north	single-family dwellings	"AA" (Agricultural District and "C" (Urban Protected Residential, etc.) District.
to the south	single-family dwellings and vacant land	"AA" (Agricultural District and "C" (Urban Protected Residential, etc.) District but recently rezoned to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified and subject to the 'H' holding provision of the Planning Act until such time as sewers are available.
to the east	vacant	"AA" (Agricultural) District.
to the west	restaurant and vacant land	"C" (Urban Protected Residential, etc.) District

### OFFICIAL PLAN

The subject lands are designated both "Residential" and "Commercial" on Schedule "A" the Land Use Concept Plan of the Official Plan.

In addition, the subject lands are located within Special Policy Area 31b which encourages the location of retail/warehouse uses in this area.

The proposed development complies with the "Commercial" portion. However, a redesignation of the rear part of the lands from "Residential" to "Commercial" is required to permit the proposal. In addition, Special Policy Areas 31 and 31b are required to be extended to correspond with the "Commercial" designation.

Currently Official Plan Amendment No. 60 is in the final stage of receiving approval and redesignates the subject lands as well as additional lands to the south. These lands in their entirety have been designated for "Commercial and Retail/Warehouse" uses in the approved Ryckmans Neighbourhood Plan but they are designated "Residential" or "Open Space" in the Official Plan. Therefore, upon final approval of Official Plan Amendments No. 60 by the Regional Municipality of Hamilton-Wentworth the proposal will comply with the Official Plan.

## NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial and Retail Warehouse" in the approved Ryckmans Neighbourhood Plan. The proposal complies.

## URBAN DESIGN GUIDELINES FOR UPPER JAMES FRONTAGE

The subject lands are located within the area subject to the Urban Design Guidelines which include the following:

- i) a minimum lot depth of 97.5 m (325 ft.).
- ii) a minimum lot frontage of 30 m (100 ft.)
- iii) a minimum 3 m (10 ft.) wide landscape strip along the rear and front lot lines.
- iv) a maximum building height of 8 storeys.
- v) rear and front services roads 21 m (70 ft.) in width which would permit 2 rows of cars and a through lane for traffic.

## COMMENTS RECEIVED

- The Building Department has advised that:
  - "1. A warehouse is not a permitted use.
  - 2. Storage of goods to be manufactured, assembled, or sold not occupy more than 25% of the floor area.
  - 3. The proposal will be subject to the provisions of Section 14A and 18A of Zoning By-law No. 6593".
- The Traffic Department has advised that:
  - "We will support the application to permit development of the subject lands in accordance with the Approved Neighbourhood Plan. However, we strongly suggest that the subject lands be developed in conjunction with the recently rezoned lands to the south to provide for a comprehensive development and minimize the number of access points to Upper James Street."
- The Hamilton-Wentworth Regional Engineering Department
  - No comments received to date.
- The Hamilton Region Conservation Authority, The Local Architectural Conservation Advisory Committee Staff have no comments or objections.

## COMMENTS

1. In accordance with comments pertaining to a similar application on adjoining lands to the south, the Hamilton-Wentworth Engineering Department advised that the subject lands are not fully serviced at this time. It is expected that sewers will be installed during the later part of 1989. In this regard, it is suggested that if the application is approved, it be subject to Section 35(1) of the Planning Act, R.S.O. 1986, whereby Council may, in a By-Law use a holding symbol 'H' in conjunction with any zoning district. The zoning District with a holding symbol specifies the use to which lands, buildings or structures may be used at such time in the future when the holding symbol is removed by the passage of an amending By-Law by City Council.
2. The proposed complies in part with the Official Plan. The rear portion of the subject lands is currently in the process of being redesignated by Official Plan Amendment No. 60 from "Residential" to "Commercial", and the provision of Special Policy Area 31 and 31b are being extended to correspond with the "Commercial" designation.

The proposed Official Plan Amendment includes the subject lands as well as lands to the south (#1375 to #1417 Upper James Street). These lands have been designated for "Commercial Retail/Warehouse" uses in the Ryckmans Neighbourhood Plan but "Residential" or "Open Space" in the Official Plan. Upon receiving approval of O.P.A. No. 60 these two documents will be in conformity with each other.

3. The proposal complies with the approved Ryckmans Neighbourhood Plan.
4. The lands are subject to the Urban Design Guidelines along Upper James Street. In this regard, development of the subject lands should be contiguous with development on either side of the property.
5. The proposal can be supported for the following reasons:
  - it is compatible with proposed development to the north, south and west.
  - it is situated on a major arterial road (Upper James Street) where such development is encouraged.
  - it complies with the intent of the Ryckmans Neighbourhood Plan.
6. To be consistent with development on the adjoining lands to the south the following variances and special requirements shall apply:

- Storage

Under the "HH" District regulations a maximum of 25% of floor area may be used for storage purposes. Since this area is designated for retail and warehouse type uses, it is appropriate to increase the floor area storage to a maximum of 50%. The requested variance can be supported.



o LANDSCAPING REQUIREMENTS

The Ryckmans Neighbourhood Plan, which incorporated the Upper James Street Urban Design Guidelines, requires that a 3.0 m (10 ft.) planting strip be provided along both the rear and front lot lines. To ensure that adequate buffering is provided between the open space (Park) and commercial uses, it is appropriate to require in the amending By-Law the landscaped strip and a visual barrier between 1.2 m and 2.0 m in height along the easterly lot line.

7. Under the "HH" District regulations, the lands are subject to Site Plan Control By-Laws 79-275 and 87-223. Matters such as parking, grading, road widenings, landscaping etc., will be reviewed at the site plan control stage of development.

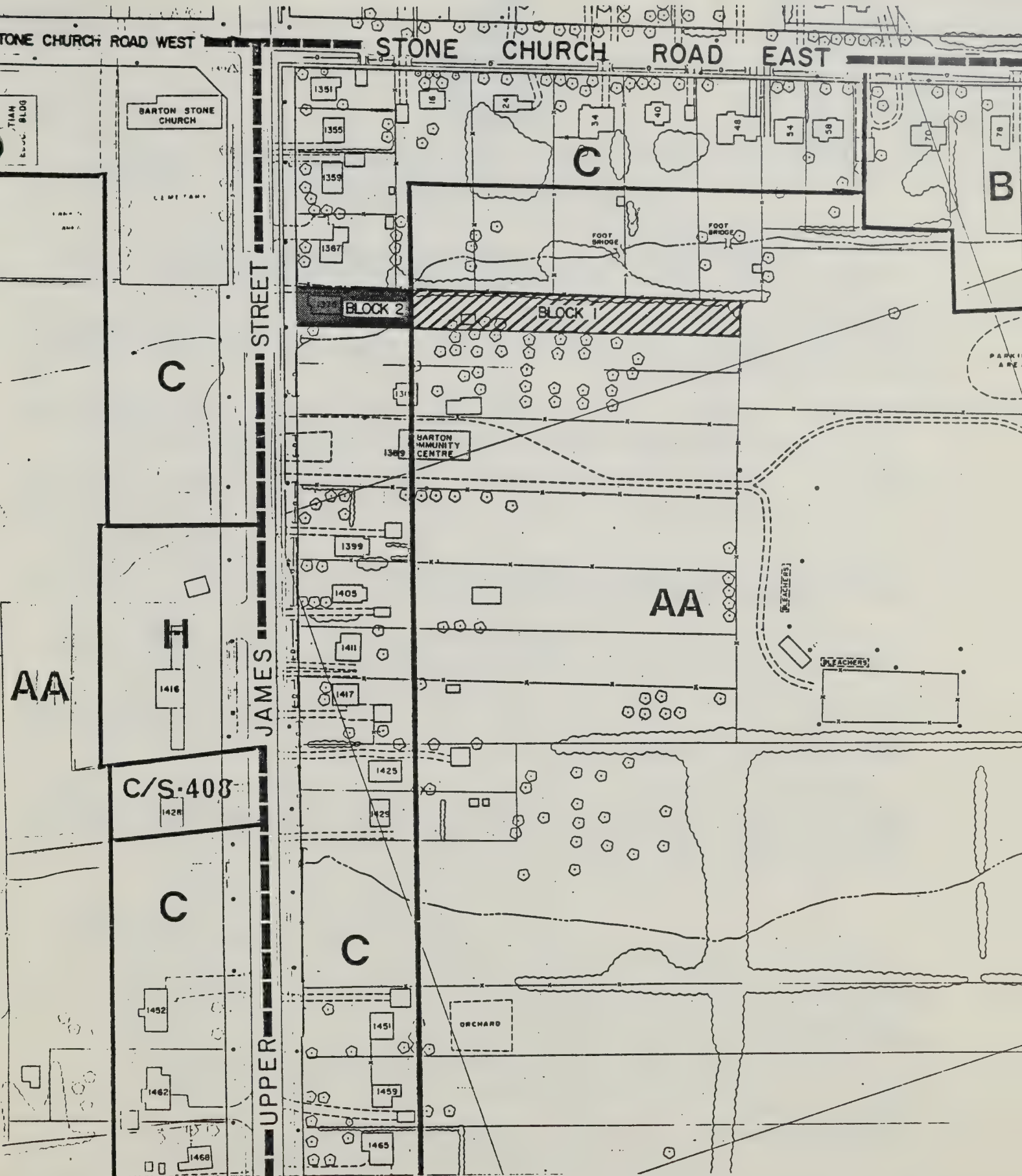
CONCLUSION

On the basis of the foregoing, the proposal can be supported.

GW/ma

WP0136P





### Legend

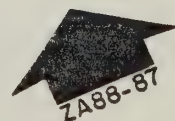
Proposed change in zoning from:



"AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District



"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District





CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4**THE CORPORATION OF THE CITY OF HAMILTON**

## PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from R. and J. SMITH, owners, for a change in zoning for property at No. 1375 Upper James Street, as shown on the attached map on the following basis:

- Block 1 - Change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.
- Block 2 - Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The purpose of the proposed change in zoning is to permit future commercial (retail-warehouse) use, for the subject property.

The application does not comply with the City of Hamilton Official Plan. Therefore, an amendment to the Plan will be required.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in the Council Chambers, City Hall on Wednesday October 26, 1988 at 3:15 p.m. and you are invited to attend at that time.

Secretary  
Planning and Development Committee

For Inquiries, please call  
Planning and Development Department  
City Hall 526-4445

/ma  
October 7, 1988

FOR ACTION

19.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 17  
COMM FILE:  
DEPT. FILE: ZA-88-58  
Mountain  
Industrial  
Park

SUBJECT:

Request for a change in zoning for the property located at No. 101 Dartnall Road.

RECOMMENDATIONS

- 1) That Zoning Application 88-58, Glanbrook Stairs and Woodworking Ltd., owner, requesting a change in zoning from "M-13" (Prestige Industrial) District to "M-14" (Prestige Industrial) District to permit the construction of an industrial building for the manufacturing of wood products, for the property located at No. 101 Dartnall Road, as shown on the attached map marked as APPENDIX "A", be denied as submitted for the following reason:
  - a) The subject lands are in close proximity to an open space corridor. Lands abutting this corridor are zoned by "M-13"; which limits the types of industrial uses permitted so as to minimize any negative impacts on the open space areas. The uses were agreed upon by both City Council and Conservation Authority. As such, an "M-14" district is an inappropriate district since it allows for a wide variety of industrial uses, some of which would not be as compatible with the open space lands.
- 2) That approval be given to an amended Zoning Application requesting a modification to the "M-13" (Prestige Industrial) District provisions, for the property located at No. 101 Dartnall Road as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the "M-13" District regulations as contained in Section 17 Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
    - a) That notwithstanding Section 17E(1)(d) the following additional industrial uses shall be permitted:

S.I.C. Identification #

Industrial Uses

2542

Wooden kitchen cabinet and bathroom vanity industry.

2543

Wooden door and window industry.

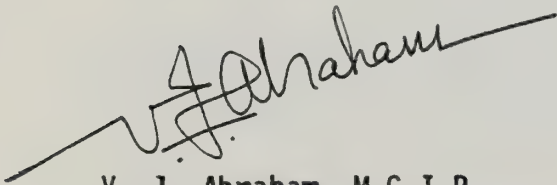
2549

Other millwork industries.

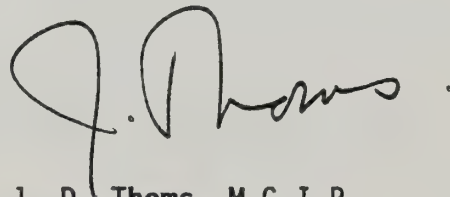
EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "M-13" (Prestige Industrial) District provisions for the property located at No. 101 Dartnall Road.

The effect of the By-law is to permit the construction of an industrial building for the manufacturing of wood products (i.e. stairs, doors, trim, cabinets and general millwork).



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant's intent is to sever a parcel of land approximately 1.03 ha in area for the purpose of constructing a building to manufacture wood products and to retain the existing "M-13" lands to the north and east and "M-11" lands to the south. To date, no land severance application has been received.

LOT SIZE AND AREA

- o 76 m in lot frontage;
- o 132 m in lot depth; and
- o 1.03 ha (2.5 ac) in lot area.



## LAND USE AND ZONING

<u>SUBJECT LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
	Vacant.	"M-13" (Prestige Industrial) District.
<u>SURROUNDING LANDS</u>		
to the north	Vacant, single family dwelling.	"M-13" (Prestige Industrial) District.
to the south	Vacant.	"M-11" (Prestige Industrial) District.
to the east	Vacant.	"M-13" (Prestige Industrial) District. "A" (Conservation, Open Space, Park and Recreation) District.
to the west	Single family dwellings, contractor's yard	"M-13" (Prestige Industrial) District.

## OFFICIAL PLAN

The subject lands are designated "Industrial" on Schedule "A" - Land Use Concept.

In addition, the lands are located within Special Policy Area #11 which permits light industrial uses which have a minimal impact on surrounding land uses.

The proposal complies.

## NEIGHBOURHOOD PLAN

The subject lands are designated "Restricted Industrial - Commercial" in the approved Mountain Industrial Area Plan. The proposal does not conflict with the intent of the Mountain Industrial Plan.

## COMMENTS RECEIVED

- o The Building Department, Hamilton Region Conservation Authority, and Traffic Department do not have any comments or objection.

- o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as sanitary and storm sewers are available to service the subject lands.

The designated road allowance width of Rymal Road is 36.58 m (120 ft.) As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 ft.) from the centreline of the road allowance.

The designated road allowance width of Dartnall road is 36.58 m (120 ft.) Specific widening plans have been prepared indicating that the widening immediately north of Rymal Road is offset to the west side. We recommend, as a condition of development approval, that on the northerly portion of Park 1, Reference Plan 62R-8332 (attached) a widening is required.

The applicant is advised to conduct this office prior to preparing any plans for these road widening dedications.

Any work within the adjacent road allowances must conform to the Region's Roads Use By-law.

Specific details with respect to grading, etc., will be provided at the Site Plan stage."

#### COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal does not conflict with the intent of the approved Mountain Industrial Area Plan.
3. The proposal, as submitted, cannot be supported since the "M-14" District allows a wide range of industrial uses, some of which would not be compatible with the open space lands.

The "M-13" District currently located adjacent to the open space lands, limits the types of industrial uses permitted to ensure that industrial development adjacent to this corridor does not have a negative impact on the open space lands. The uses permitted were agreed upon by both City Council and the Hamilton Region Conservation Authority.

On this basis, a modification to the "M-13" District to permit the proposed industrial use (wood products manufacturing) maintains the intent of this district insofar as the use is not considered to be obnoxious. Further, the Conservation Authority does not object to this industrial use.

4. Under the "M-13" District regulations, the lands are subject to Site Plan Control By-law 79-275. Matters such as landscaping, parking, access etc., will be reviewed during the site plan approval process.

#### CONCLUSION

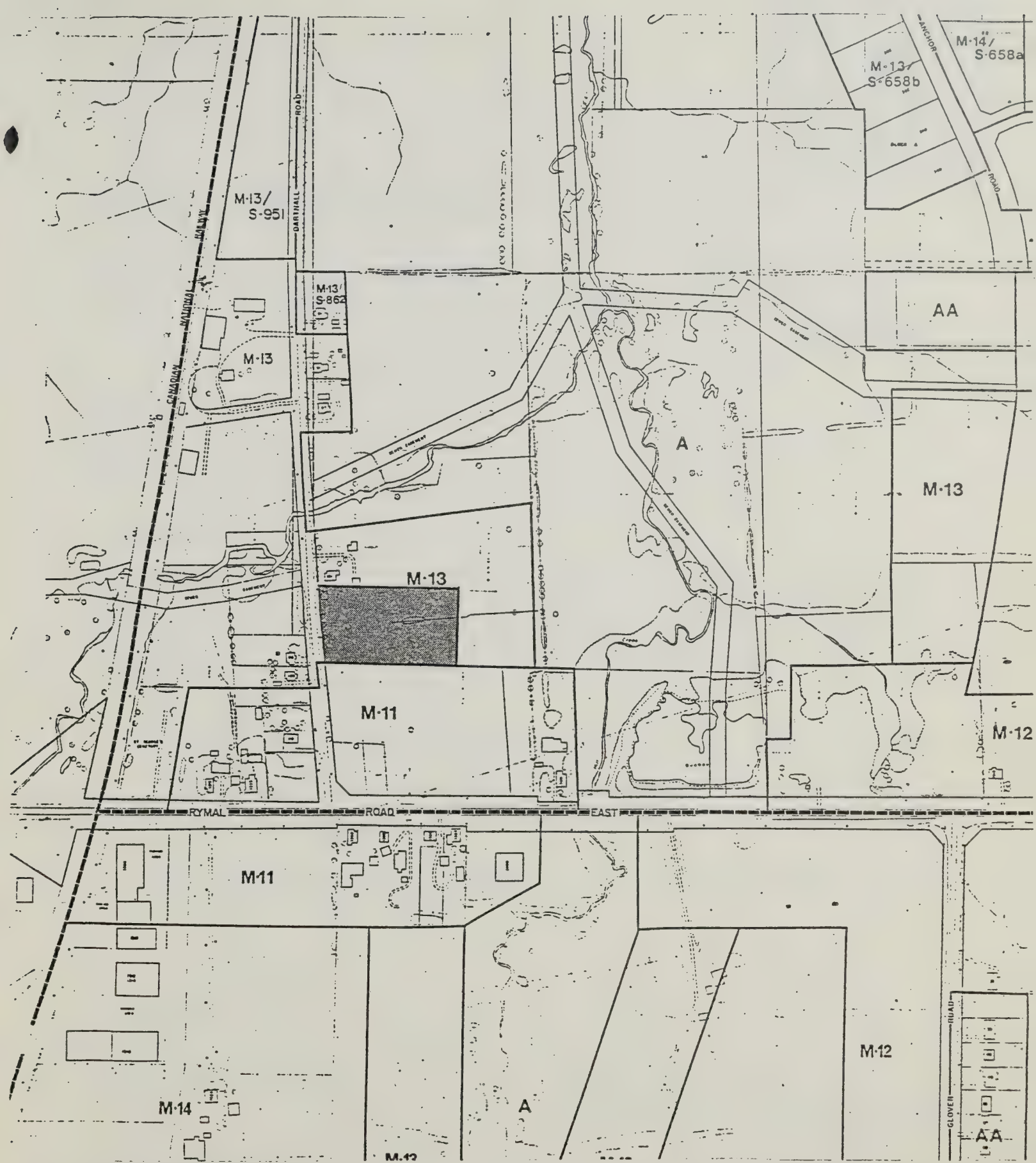
Based on the foregoing, the proposal may be supported.

JH/ma:dkp

WP 0144P







# LEGEND



SITE OF APPLICATION



APPENDIX A





FOR ACTION

20.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 18  
COMM FILE:  
DEPT. FILE: ZA-88-67  
Hannon North  
Neighbourhood

SUBJECT:

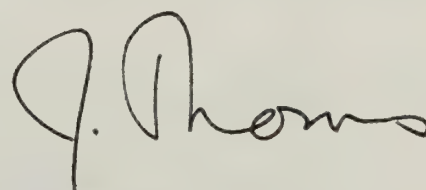
Request for a change in zoning - Nos. 694 Pritchard Road and 1565 Rymal Road East.

RECOMMENDATION

That Zoning Application 88-67, 683595 Ontario Inc. (Nesci Developments), owner, requesting a change in zoning from the "M-12" (Prestige Industrial) District to "H" (Community Shopping and Commercial, etc.) District, to permit the future commercial development of lands located at Nos. 694 Pritchard Road and 1565 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) It conflicts with the intent of the Official Plan, Hamilton-Wentworth Official Plan and the approved Mountain Industrial Area Plan, which allow for uses which are ancillary to and serve industrial establishments within the Business Park, whereas the proposal is for a full commercial zoning which provides for a broad range of uses which serve the general public.
- ii) Approval of the application would set a precedent for future similar applications in the surrounding area.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

- Land Severance H-28-88

At its meeting of February 23, 1988 the Land Division Committee approved application No. H-28-88 to permit the conveyance of property known as #694 Pritchard Road from #1565 Rymal Road East (see APPENDIX "B").

- Land Severance H-119-88

At its meeting of July 19, 1988 the Land Division Committee approved application No. H-119-88 for consent to divide property known as #694 Pritchard Road into two parcels (see APPENDIX "C").

- Proposed Development

The applicant has requested a change in zoning from the "M-12" (Prestige Industrial) District to "H" (Community Shopping and Commercial, etc.) District to permit future commercial development.

## APPLICANT

683595 Ontario Inc. (Nesci Developments), owner.

## LOT SIZE AND AREA

The subject property is irregularly shaped having approximately:

- 71.863 m (235.77 ft.) of frontage on Rymal Road East;
- 105.561 m (346.32.ft.) of frontage on Pritchard Road; and
- 6,024 m<sup>2</sup> (1.5 ac) of lot area.

In addition, the applicant owns an adjoining 1.37 ha (3.38 ac) parcel of land to the north.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	2 single-family dwellings.	"M-12" (Prestige Industrial) District.
<u>SURROUNDING LANDS</u>		
To the north	Vacant	"M-14" (Prestige Industrial) District

To the south	Vacant	"M-12" (Prestige Industrial) District
To the east	Vacant and Hydro Corridor	"AA" (Agricultural) District and "M-14" (Prestige Industrial) District
To the west	Single-family dwelling and Commercial (building supply)	"M-12" (Prestige Industrial) District and "M-12" modified

### OFFICIAL PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept of the Official Plan. In this regard, Policy A.2.3.1 states:

"The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
- iii) Uses which have characteristics or functional requirements similar to Industries;
- iv) Residences for maintenance staff of a principal use;
- v) Research and development facilities;
- vi) Public and private transportation terminals, highway and road related services (e.g. automobile service stations); and,
- vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area."

In addition, the lands are located within "Special Policy Area 11" on Schedule "B" which are covered by, among others, the following policies:

- "2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land use and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special



Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.

- 2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

On the basis of the foregoing, the proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to redesignate the subject lands from "INDUSTRIAL" to "COMMERCIAL".

#### HAMILTON-WENTWORTH OFFICIAL PLAN

The subject lands are within the "URBAN POLICY AREAS" and identified as "INDUSTRIAL-BUSINESS PARKS" on Map No. 1 to the Hamilton-Wentworth Official Plan. Policy 2.3.1 allows for "ancillary and service type uses supporting the primary activities as well as recreational facilities and limited office development associated with the primary uses..."

The proposal conflicts with the intent of the Plan.

#### NEIGHBOURHOOD PLAN

The subject lands are designated "RESTRICTED INDUSTRIAL - COMMERCIAL" in the approved Mountain Industrial Area Plan. The proposal does not comply and would require an amendment to redesignate the lands to "RESTRICTED COMMERCIAL".

#### RESULTS OF CIRCULARIZATION

- The Traffic Department has advised as follows:

"... we have reviewed the above-noted application and find it satisfactory.

However, we recommend that the development of the lands be subject to site plan control to ensure that adequate parking and access are provided.

The plans submitted for site plan control should accurately indicate the location of existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc."

- The Hamilton Region Conservation Authority has no objection.
- The Building Department has advised that the two existing houses on one property is a violation of the Zoning By-law.

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Please be advised that public watermains are available to service the subject lands. Sanitary and storm sewers are not installed in this area and are not proposed in the near future.

The designated road allowance width of Rymal Road is 36.58 m (120 ft.) and of Pritchard Road is 18.29 m (60 ft.). The centre line of Rymal Road through this area is based on Misc. Plan No. 773. According to our records, the alignment of Rymal Road, adjacent to the subject lands, is shifted south. The only widening to be dedicated to the Region as a condition of development approval, is a 12.192 x 12.192 m (40 x 40 ft.) daylight triangle. This triangle is required for a turning radius, etc. at such time as this section of Rymal Road is realigned and widened.

Any work within the adjacent road allowances must conform to the respective Streets By-Laws.

We recommend that the subject lands be developed through site plan control. Any roadway improvements required as a result of this development will be at the owner applicants expense. These details can be finalized at the site plan control stage."

#### COMMENTS

1. The proposal conflicts with the intent of the Official Plan and would require an amendment to redesignate the subject lands from "INDUSTRIAL" to "COMMERCIAL".
2. The proposal conflicts with the intent of the Hamilton-Wentworth Official Plan and would require a site specific amendment.
3. The proposal conflicts with the intent of the approved Mountain Industrial Area Plan and would require an amendment to redesignate the subject lands from "RESTRICTED INDUSTRIAL-COMMERCIAL" to "RESTRICTED COMMERCIAL".
4. The proposal cannot be supported for the following reasons:
  - it conflicts with the intent of the Official Plan and Hamilton-Wentworth Official Plan which designate the subject lands "Industrial". The Plans allow for ancillary and service type commercial uses that support the primary industrial uses, whereas the proposal is for a full commercial zoning;
  - it conflicts with the intent of the approved Hamilton Industrial Area Plan which allows for "Restricted Industrial - Commercial" uses, whereas the proposal is for a full range of commercial uses;
  - approval of the application would set a precedent for future similar applications in the surrounding area; and,

- the Engineering Department has advised that "... sanitary and storm sewers are not installed in this area and are not proposed in the near future." Accordingly, the proposal is premature.

In this regard, it should be noted that the established "M-12" (Prestige Industrial) District zoning permits a variety of "Commercial" uses which are supportive of the Business Park (e.g. wholesaling, financial services, business services, laboratories, rental and leasing, establishments, etc.), whereas the proposal is for a strip type commercial zoning which is typically found along major arterial roads (e.g. King, Main, Barton, Concession, etc.) and serve the City as a whole.

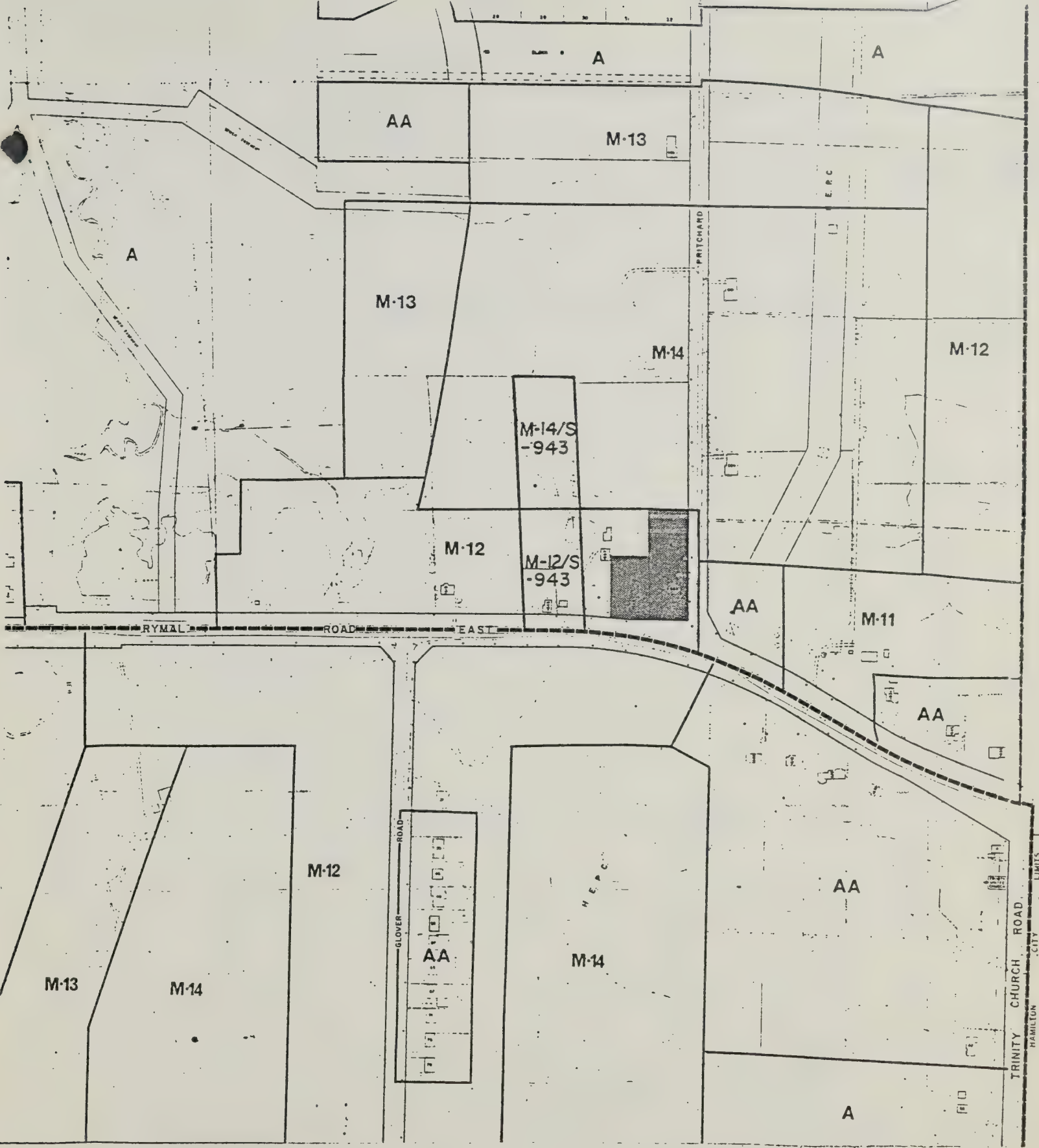
### CONCLUSION

On the basis of the foregoing, the application cannot be supported.

PDM:ma/dkp

WP 0420P





Legend



Site of the Application



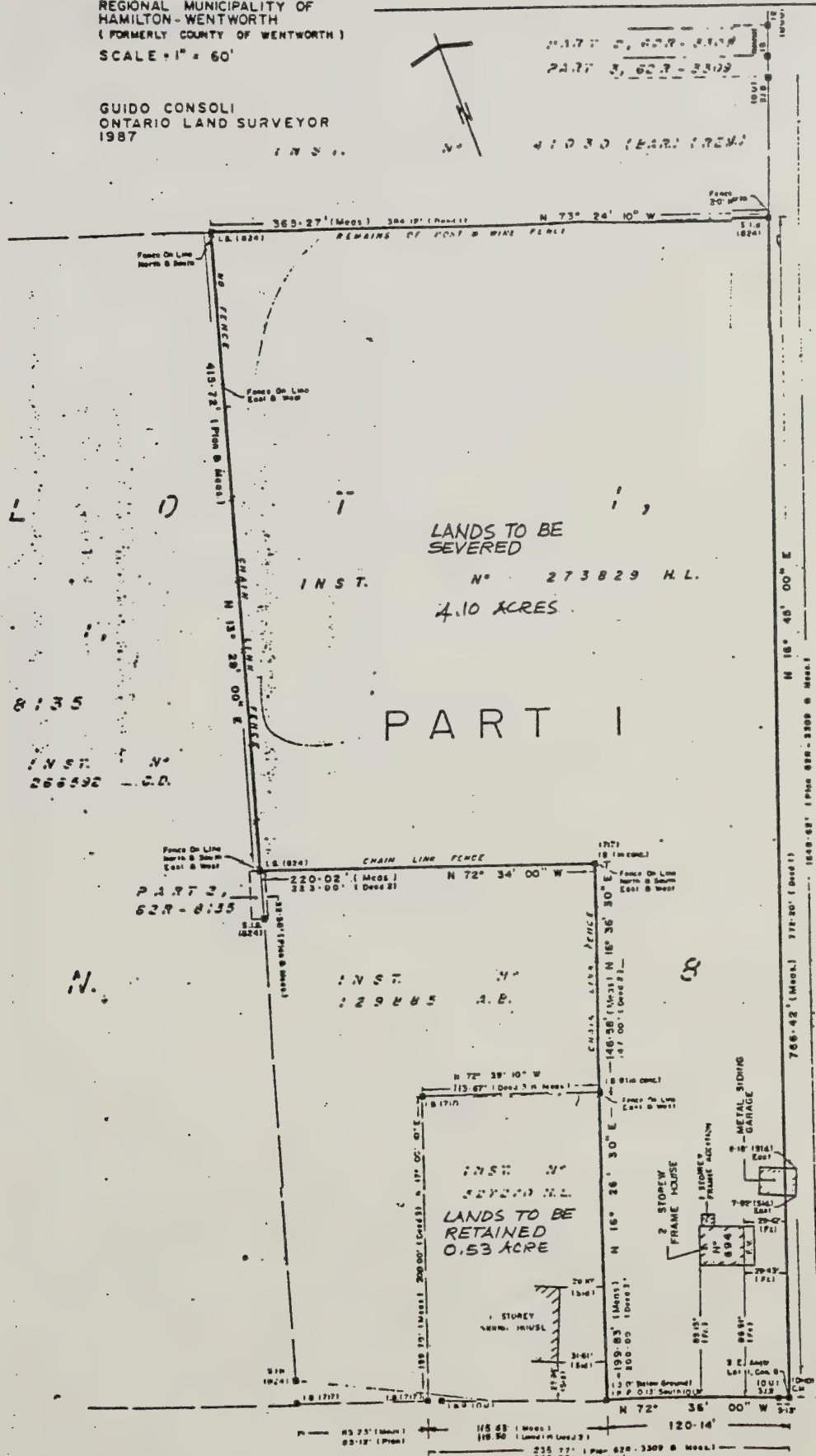


FILE NO. H-28-88  
DATE: FEB. 2, 1988

REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH  
(FORMERLY COUNTY OF WENTWORTH)  
SCALE = 1" = 60'

GUIDO CONSOLI  
ONTARIO LAND SURVEYOR  
1987

		SC
PART	LUT	CONCESSION
1	1	B (BARTON)



P R I T C H A R D R O A D  
(60' WIDE, BY REG'D PLAN 294)  
ROAD ALLOWANCE BETWEEN BARTON & SALTLEET TOWNSHIPS, OPENED BY REG'D PLAN 294)

RYMAL ROAD EAST

ROAD N° 153 (FORMERLY THE KING'S HIGHWAY N° 33, NAME CHANGED BY BY-LAW N° 66-1, INST.





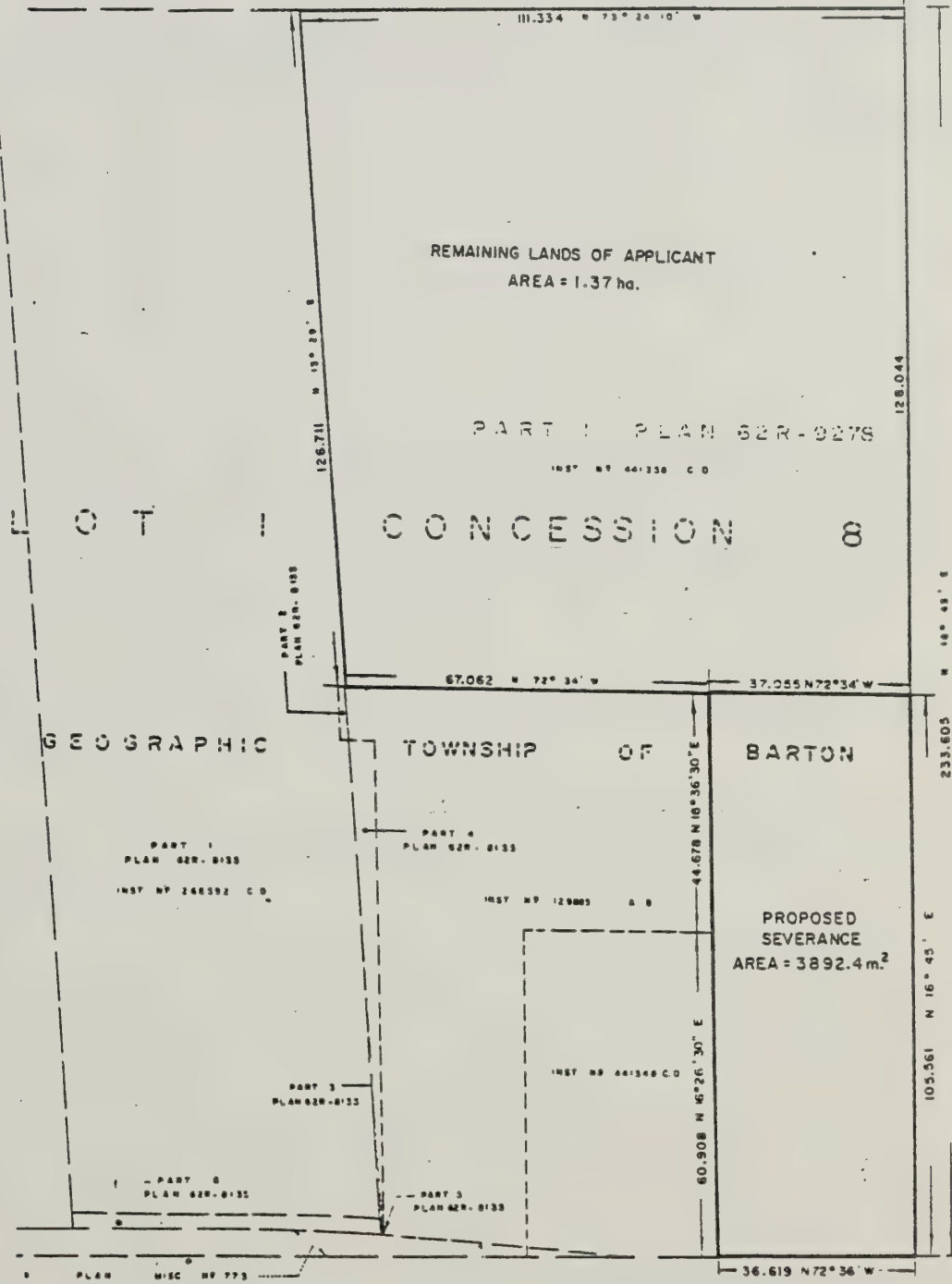
PROPOSED LAND DIVISION SKETCH OF  
 PART OF LOT 1 - CONCESSION 8  
 GEOGRAPHIC TOWNSHIP OF BARTON  
 NOW IN THE  
**CITY OF HAMILTON**  
 REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

FILE NO.: H-119-88  
 DATE: JUNE 22, 1988

SCALE: 1" = 20' 0"

A. J. CLARKE O.L.S. 1968

REV. OF 1987 BY 01030 849



PRITCHARD ROAD

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIPS BARTON & HALTWHIT  
 OPENED BY REG. PLAN NO. 200

RYMAL ROAD EAST (ORIGINAL ROAD ALLOWANCE BETWEEN  
 FORMER TOWNSHIPS BARTON & GLANFORD)  
 REGIONAL ROAD NO. 153 (FORMERLY THE KING'S HIGHWAY NO. 33, NAME CHANGED  
 BY BY-LAW NO. 66, 1, REG. D. 45, REG. NO. 1337 A.B.)

**NOTE**  
 THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION  
 TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT  
 OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION

A. J. CLARKE AND ASSOCIATES  
 ENGINEERS AND SURVEYORS  
 HAMILTON ONTARIO

JUNE 7, 1988  
 DATE

EXHIBIT C





F O R   A C T I O N

21.

REPORT TO:        SUSAN REEDER, SECRETARY  
                     PLANNING AND DEVELOPMENT COMMITTEE

FROM:            J. D. THOMS, COMMISSIONER  
                     PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 18  
COMM FILE:  
DEPT. FILE: ZA-87-121  
                 Stinson  
                 Neighbourhood

SECOND REPORT

SUBJECT:

An amended application requesting a change in zoning - No. 181 Victoria Avenue South.

RECOMMENDATION

(a) That approval be given to Zoning Application ZA-87-121, Ortega Properties Ltd., prospective owner, requesting a change in zoning from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, for property located at No. 181 Victoria Avenue South, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the subject lands be rezoned from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- (ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - 1) That notwithstanding Section 11.(1)(iii) a multiple dwelling having a maximum of only 46 dwelling units shall be permitted.
  - 2) That notwithstanding Section 11.(3)(i)(b) a minimum front yard depth of at least 6.5 m shall be provided along Victoria Avenue.
  - 3) That notwithstanding Section 11.(3)(ii)(b) no residential building shall be located less than 15.0 m from the southerly side lot line.
  - 4) That a berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 m above the top of rail shall be erected and maintained on the property parallel to the CP Rail right-of-way. The berm portion shall have a minimum height of 2.0 m above top of rail.
  - 5) That a 1.8 m high chain link fence shall be erected and maintained along the boundary of the southerly side lot line.

6. That no vehicular ingress or egress shall be permitted from Victoria Avenue South.

- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-14 be notated S- ;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council;
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the approved Site Plan be registered on title.

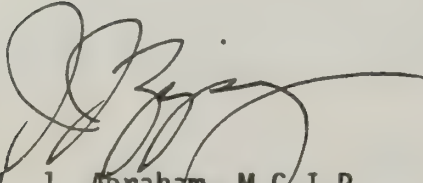
#### EXPLANATORY NOTE


The purpose of the By-law is to provide for a change in zoning from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at No. 181 Victoria Avenue South, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the construction of an 8 storey - 46 unit apartment building.

In addition, the By-law provides for the following variances as special requirements:

- That a multiple dwelling having a maximum of only 46 dwelling units shall be permitted.
- That a minimum front yard depth of 6.5 m shall be provided along Victoria Avenue South, whereas 12.0 m is required.
- That no residential building shall be located less than 15.0 m from the southerly side lot line.
- That a berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 m above the top of rail be erected and maintained on the property parallel to the CP Rail right-of-way. The berm portion shall have a minimum height of 2.0 m above top of rail.
- That a 1.8 m high chain link fence shall be erected and maintained along the boundary of the southerly side lot line.
- To prohibit vehicular ingress and egress from Victoria Avenue South.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### ● Public Meeting

At its meeting of September 28, 1988 the Planning and Development Committee TABLED the subject application in order to allow the opportunity for discussion between all parties concerned in order to arrive at a mutually agreeable proposed development.

In this regard, a meeting involving the applicant, Ward Alderman, neighbourhood residents and staff was held on October 17, 1988 to discuss the proposed development.

### ● Proposed Development

The applicant had originally proposed to develop an 8 storey - 93 suite apartment building. However, due to the concerns of CN and CP Rail the applicant has amended the application and proposes the following:

- 8 storey apartment building;
  - 46 units;
  - 59 parking spaces; and
  - 25% landscaping.
- ### ● By-law No. 76-248

The subject lands were rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "L-mr-2" (Planned Development - Multiple Residential) District under By-law 76-248 which was passed on September 14, 1976 as partial implementation of the "Developed Neighbourhood (Plan and Programme) for the Stinson, St. Clair and Blakely Neighbourhoods".

## APPLICANT

Ortega Properties Ltd., prospective owner.

## LOT SIZE AND AREA

The subject property is an irregularly shaped through lot having approximately:

- 38.91 m (127.65 ft.) of frontage on East Avenue South;
- 34.27 m (112.43 ft.) of frontage on Victoria Avenue South; and
- 0.42 ha (1.04 ac) of lot area.



## LAND USE AND ZONING

<u>SUBJECT LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
	Vacant	"L-mr-2" (Planned Development - Multiple Residential) District
<u>SURROUNDING LANDS</u>		
to the north	Single-family & Two-family residential and Residential Care Facility.	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
to the south	Railway line(s) and Industrial (vacant).	"JJ" (Restricted Light Industrial) District and "A" (Conservation, Open Space, Park and Recreation) District.
to the west	Claremount Access.	"A" (Conservation, Open Space, Park and Recreation) District.
to the east	Single-family two-family and multiple residential.	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

## OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use concept of the Official Plan. The following policies, among others, apply:

- A.2.1.1. The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable...
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses.
- A.2.1.15 Prior to the approval of RESIDENTIAL development adjacent to railway rights of way, Council will have regard for the requirements of Subsection B.3.5, Rail Service.
- With respect to the location of the subject lands adjacent to a railway right of way, the following policies, among others, would apply:
- A.3.5.2 In this regard, special provisions will be established through detailed Neighbourhood Plans or when reviewing major development and/or redevelopment proposals to protect land uses adjacent to RAIL lines and in accordance with the following provisions:
    - i) Prior to the approval of residential and institutional development or redevelopment proposals adjacent to RAIL lines, Council may require that a study and analysis of noise, vibration and air quality be carried out by the owner. Such a study will be to the satisfaction of Council in consultation with the Region and appropriate agencies and according to terms of reference established by Council in consultation with others;
    - ii) Additional setback and buffer requirements for abutting non-industrial land uses to reduce the level of noise and vibration generated by trains;
    - iii) Utilization of special building construction techniques; and,
    - iv) Compliance with the provisions of Policy B.3.1.16 and Subsection C.7.
  - A.C.7.8 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to...Railway Lines.

In addition, the subject lands are located within SPECIAL POLICY AREA 1(b) on Schedule "B", and are subject to the policies of SUBSECTION A.2.9.1 - NIAGARA ESCARPMENT, including the following:

- A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT, SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into Areas '1a' and '1b', for which the following provisions will apply:

- i) It is intended that Area '1a' be maintained undisturbed in a natural setting...
- ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development as defined in Schedule "A" for this Area, will be at a density, scale and height which is compatible with the ESCARPMENT.

In summary, the proposal is a permitted use within the "Residential" designation, and would not conflict with the intent of the Plan.

#### NEIGHBOURHOOD PLAN

The subject lands are designated for "Medium Density Apartments" on the approved Stinson Neighbourhood Plan. The proposal complies.

#### RESULTS OF CIRCULARIZATION

- The Building Department has advised as follows:

"1. Front yards: 12.0 m from Victoria Avenue South  
Side yards: 9.31 m both sides

- 2. No part of the required parking area shall be located in the required front yard (Section 18A (14)).
- 3. The access driveway shall be located 3.0 m from the northerly common boundary between the residential districts. (Section 18A(25))."

- The Traffic Department has advised as follows:

"In accordance with the Zoning By-law 6593, one loading space 18.0 m by 3.7 m is required for the proposed development. The preliminary plan does not designate the required loading space or provide adequate manoeuvring for semi-trailers adjacent to the service area.

The proposed 46 unit multiple dwelling will generate approximately 230 trips per day of which 25 will be during the afternoon peak hours. All traffic generated by this development will be added to the existing traffic on East Avenue."

- The Niagara Escarpment Commission has advised as follows:

"...no objection provided that the height of the proposed building is no higher than 7 storeys. Staff will not support the proposed 8 storey building.

With respect to other aspects of the site plan, staff has no objection."

- The Hamilton Region Conservation Authority has no objection.



- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains and sewer services are available on East Avenue.

No further road allowance widenings are anticipated at this time.

The preliminary site plan is acceptable but cannot be approved until sufficient details are added to the plan."

- The CN Railway has advised as follows:

"We have reviewed your notice dated 20 June 1988 regarding the above application and offer no objections. However, we note that our tracks fall within earshot (300 m) of the proposed development. Hence, we recommend that the Owner insert in all offers of sale and purchase or lease and register on title on the land, the following clause:

All persons intending to acquire an interest in the real property by purchase or lease are advised of the existence of the right-of-way of the Canadian National Railway. In future, it is possible that such rail facilities may be altered or expanded, which expansion or alteration may affect the living environment of residents despite the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units and that the Canadian National Railway will not be responsible for complaints or claims arising from its use of its facilities and/or arising from its operations."

- The CP Railway has advised as follows:

"We have no objection to the noise attenuation fence terminating where shown just east of the proposed 46 suite apartment. However, we request that the berm be constructed entirely on the developer's property, as per Clause 1 of our letter dated May 30, 1988...

Otherwise our comments remain the same as in our letter of May 30, 1988." (see attached APPENDIX "B").

- The Ministry of Environment has verbally advised they have concerns respecting potential noise and vibration impacts from train traffic on the adjoining railway, and from truck traffic on the Claremount Access.

#### COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the approved Stinson Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

- the established "L-mr-2" (Planned Development - Multiple Residential) District functions as a holding zone which provides for future multiple residential development. The requested "E" (Multiple Dwellings, Lodges, Clubs, etc.) District zoning is one of the designated districts to which the "L-mr-2" District can be converted;
- it implements the intent of the Official Plan which designates the lands for "RESIDENTIAL" use;
- it implements the intent of the approved Stinson Neighbourhood Plan which designates the lands for "Medium Density Apartments";
- it would be compatible with existing and future intended uses in the surrounding area. In this regard, the subject lands are located in a mixed-residential area ranging in use from single-family dwellings to multiple family dwellings (apartments). In addition, the lands are bordered by railway lines to the south and the Claremont Access to the west.

With respect to future intended uses, the approved Stinson Neighbourhood Plan designates the adjoining lands to the north for "LOW DENSITY APARTMENTS" and "SINGLE, DOUBLE AND ATTACHED HOUSING", and the lands to the east for "MEDIUM DENSITY APARTMENTS"; and

- the proposed "E" District zoning would be consistent with established zoning in the surrounding area (i.e. "E" District to the north and east; "D" District to the north).

4. On the basis of a preliminary Site Plan, the Building Department has advised of the following variances:

- Front Yard

In accordance with Section 11.(3)(i)(b) a minimum front yard of 12.0 m (39.37 feet) is required along Victoria Avenue South because the subject lands adjoin an "A" (Conservation, Open Space, Park and Recreation) District. Considering that the adjoining "A" zoned lands include part of railway right-of-way, and the proposed setback is 6.55 m (21.48 feet) which is greater than that provided/required for the adjoining residential properties to the north, the variance is considered to be minor in nature and can be supported.

- Access Driveway

In accordance with Section 18A.(25) the access driveway shall be located not less than 3.0 m from the northerly common boundary between the subject property and the adjoining residential ("D") District, whereas the applicant has provided a service entrance along the boundary line.

Considering that:

- i) the proposed access abuts the rear yards of single-family dwellings fronting onto Webber Street; and
- ii) the applicant is proposing a 9.4 m building setback from the side yard within which the access driveway could be appropriately located,

the variance is not appropriate and cannot be supported.

4. With respect to the recommendations of CP Rail, the following additional requirements should apply:

- A berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 m above the top of rail should be erected and maintained on the property parallel to the CP Rail right-of-way. The berm portion shall have a minimum height of 2.0 m above top of rail.
- No residential building shall be located less than 15.0 m from the southerly side lot line.
- A 1.8 m high chain link fence shall be erected and maintained along the boundary of the southerly side lot line.

The other concerns of CP Rail and CN Rail respecting warning clauses, noise levels, drainage, etc., can be reviewed under Site Plan Approval. In this regard, the applicant should be required to register the Site Plan on title so that any clauses respecting warnings, etc., can be implemented/enforced.

5. With respect to the Niagara Escarpment Commission's recommendation that the maximum height of the proposed building be restricted to no higher than 7 storeys, it should be noted that:

- all of the designated districts to which the established "L-mr-2" District can be converted would allow for a maximum height of 8 storeys, as proposed;
- adjoining lands to the north and east are zoned "E" (Multiple Dwellings, Lodges, Clubs, etc.) District which allow for a maximum height of 8 storey's, as proposed; and
- the difference between 7 and 8 storeys in height (approx. 10-15 feet), is not considered significant enough to negatively impact on the character of the Escarpment.



In view of the foregoing, the recommended height restriction cannot be supported. Furthermore, it should be noted that the applicant has substantially reduced the number of proposed units (from 93 to 46), in order to accommodate the concerns of CN and CP Rail. In this regard, a restriction on building height would further reduce the number of units which would be an unnecessary hardship.

6. During the special meeting of October 17, 1988 (see BACKGROUND - Public Meeting), concern was expressed about the size of development. In this regard, it would be appropriate to restrict the number of dwelling units to 46 as proposed by the applicant.

In addition, the recommendation of the Traffic Department to prohibit access to the site from Victoria Avenue South was reaffirmed. Accordingly, a special provision should be included in the By-law.

### CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma

WP0057P

**CP Rail**

Office of the  
Superintendent

Our File  
Your File

664 Richmond Street  
LONDON, Ontario  
N6A 3G9  
May 30, 1988

Our File: 620.4-WEL-36.92  
Your File: ZA-87-121

The Regional Municipality of Hamilton-Wentworth  
Planning and Development Department  
71 Main Street West  
HAMILTON, Ontario  
L8N 3T4

Attention: Mr. John J. Zipay, M.C.I.P.

Dear Sir:

Re: Amended Zoning Application ZA-87-121 for a change in zoning from  
"Lmr-2" to "E" at 181 Victoria Avenue South  
Mileage 36.92 Welland Subdivision

This refers to your letter of November 23, 1987, and our telephone conversation with the Developer and Mr. Paul Mallard of your office.

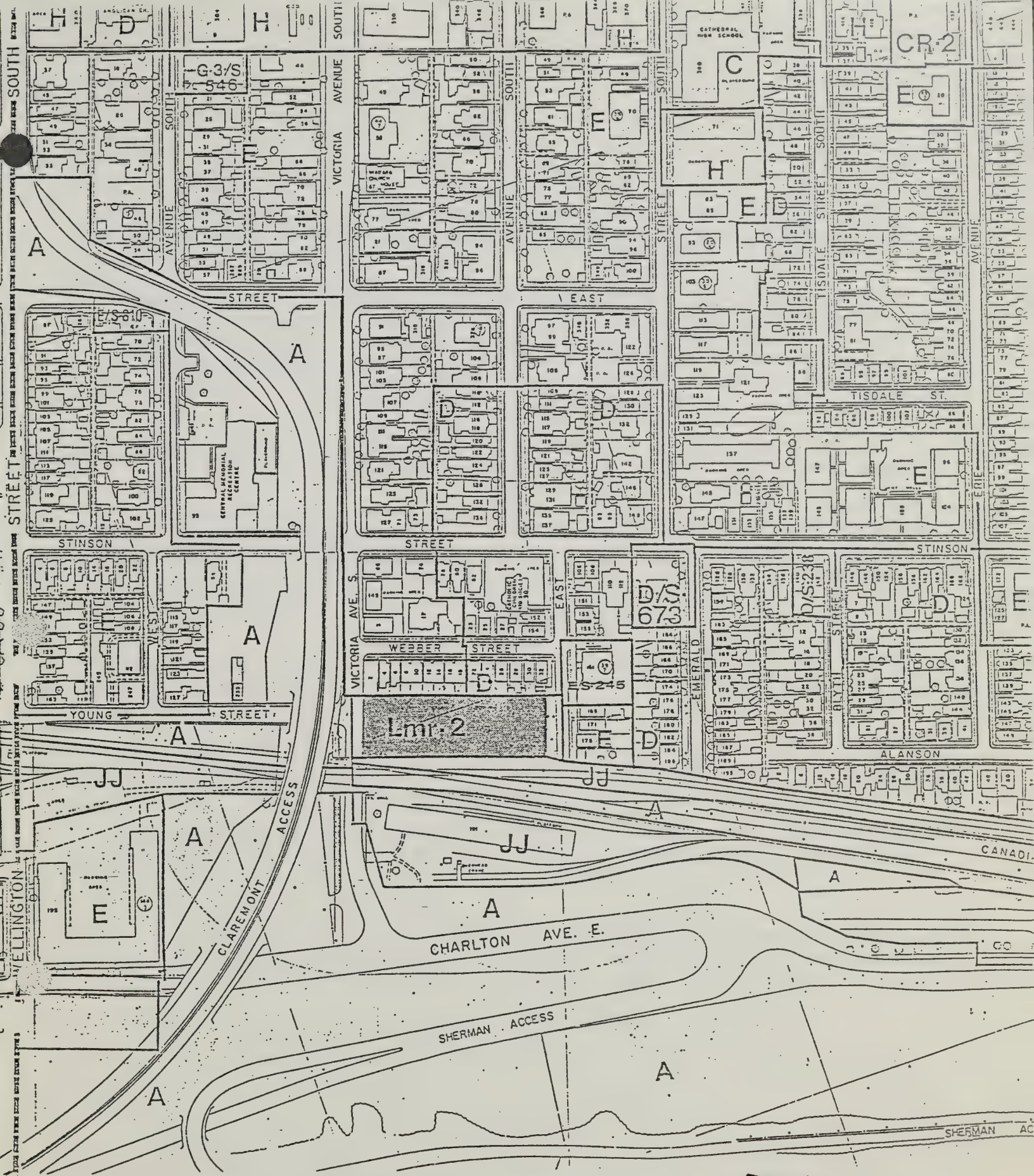
We have reviewed the above-mentioned proposal and wish to state our opposition to it. Residential development in close proximity to our right-of-way is not compatible with Railway operations. The health, safety and welfare of residents could be adversely affected by our activities; however, should the application be approved, CP Rail requests the following conditions be imposed on the development:

1. A berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 meters above top of rail must be erected and maintained by the developer on the adjacent property parallel to our right-of-way. The berm portion must have a minimum height of 2.0 meters above top of rail.

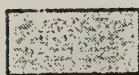
The requirement for a noise attenuation fence can be omitted (only 2.0 m. berm required) provided the Developer carries out ground vibration tests and a noise study and the recommendations meet the requirements of Conditions 3 and 4.



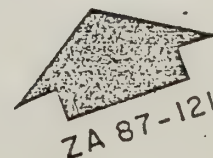




# LEGEND



SITE OF THE APPLICATION



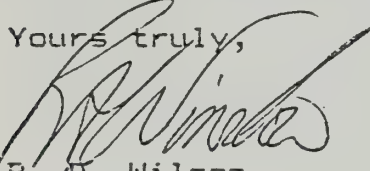
2. Dwellings should be set back a minimum distance of 15 meters from the property line. Unoccupied buildings, such as garages may be exempted.
3. Ground vibration transmission to be determined through site tests. If in excess of acceptable levels, all dwellings within 75 meters of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion. The vertical natural frequency of the structure on the pads should not exceed 12 Hz.
4. Dwellings must be constructed such that interior noise levels meet the criteria of the appropriate Ministry.
5. Clauses to be registered on and run with the title of all properties within 300 meters of our right-of-way warning prospective purchasers of the Railway's presence and also that the Railway will not take responsibility for complaints as a result of noise, vibration, air quality, etc., generated by present and/or future operations.
6. There shall be no increase or change in the direction of natural drainage affecting Railway property without first obtaining written consent from the Railway.
7. Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.
8. A six-foot high chain link fence be constructed and maintained along the common property line of the Railway and development by the developer at his expense.

To ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, your assurance that the above conditions will be imposed on the developer would be appreciated.



I would appreciate being advised of your decision regarding this application in due course.

Yours truly,



B. D. Wilson,  
Acting Superintendent  
AGM/sj

c.c. Mr. Joseph P. Rocchi  
Barrister & Solicitor  
120 Hughson Street South  
HAMILTON, Ontario  
L8N 3N9





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C51P4

MRS. J. MacANANAMA  
CHIEF LIBRARIAN



E. A. SIMPSON  
CITY CLERK  
  
K. E. AVERY  
DEPUTY CITY CLERK

CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4

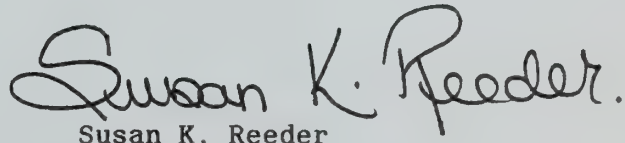
## THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 November 3

### NOTICE OF MEETING

Planning and Development Committee  
Wednesday, 1988 November 9  
2:00 o'clock p.m.  
Room 233, City Hall

  
Susan K. Reeder  
Secretary

SKR:dbm

NOTE: The Zoning Application will be heard in Room 233.

### A G E N D A

1. Minutes of the meeting held Wednesday, 1988 October 12th.

#### DIRECTOR OF COMMUNITY DEVELOPMENT

2. 1989 - 1993 Capital Budget.
3. Phase IV of the Downtown Action Plan - Results of the Sanitation Study. (c.c. Parker, 1988 April)

#### DIRECTOR OF PROPERTY

4. Lloyd D. Jackson Square - Cinema Expansion.

#### ALDERMAN J. SMITH

5. Lloyd D. Jackson Square - Ice Skating Rink.
  - (a) Information Report - Director of Property.
  - (b) Submission - Ms. Kari-Lee and Karen Sakala.
  - (c) Submission - John L. Olmsted.







Wednesday, 1988 October 12  
2:00 o'clock p.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman  
Alderman D. Ross, Vice-Chairman  
Alderman H. Merling  
Alderman D. Christopherson  
Alderman W. McCulloch  
Alderman D. Agostino  
Alderman B. Hinkley  
Alderman T. Cooke

Regrets: Mayor Robert M. Morrow

Also present: Mr. L. Sage, Chief Administrative Officer  
Mr. J. Zipay, Planning Department  
Mr. W. Wong, Building Department  
Ms. J. Hickey, Planning Department  
Mr. B. Allick, Building Department  
Mr. B. Janssen, Community Development Department  
Mr. E. Kowalski, Director of Community Development  
Mr. K. Brenner, Regional Engineering Department  
Mr. A. Georgieff, Planning Department  
Mr. G. Robis, Building Department  
Mr. M. Watson, Real Estate Division  
Mrs. V. Grupe, Planning Department  
Mr. D. Godley, Planning Department  
Mr. R. Karl, Traffic Department  
Ms. L. Lawrence, City Solicitor's Office  
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1988 September 14th and APPROVED these minutes.

Alderman Agostino spoke to the Committee on the need for restrictions and controls on mobile advertising signs. He expressed concerns at the number of unattractive and poorly constructed signs that are going up in the City, particularly on Centennial Parkway.

Mr. Zipay of the Planning Department advised the Committee that this issue could be incorporated as a 1989 Work Programme for the Planning Department. He further added that he has already slotted this as a programme since he is aware of the Alderman's concerns.

Based on the above the Committee AGREED that this matter should be incorporated into the 1989 Work Programme of the Planning Department in order that a study can be undertaken and a report brought back to the Planning and Development Committee at some time in the future.

Alderman Christopherson asked for an update on the status of a report back to the Committee on what steps can be taken on lot grading in established areas. The Secretary indicated that she would look into this matter and advise the Alderman where this issue stands.

The Committee was in receipt of a report from the Building Commissioner dated 1988 October 5 respecting Demolition Permit Applications.

Some discussion ensued on the parcel of three properties at Caroline and Napier and the two properties that had been tabled at the last meeting. The owners of these properties were in attendance and spoke briefly to the Committee.

Alderman McCulloch then indicated that he did not want to hold the owners up and was therefore willing to approve the application at 47 Caroline Avenue North for a demolition permit.

Minutes -  
1988 September 14

Restrictions and  
Controls on Mobile  
Advertising Signs.

Status - Report on  
Lot Grading in  
Established Areas.

Demolition Permit  
Applications.

Some discussion ensued on the demolition permit for the property at 177 Mud Street and later in the meeting Mr. M. Watson of the Real Estate Division, Property Department clarified the Committee's concerns that this property should be demolished.

The Committee then APPROVED the following recommendation with respect to Demolition Permit Applications:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the demolition of the following properties:

- (a) 47 Caroline Avenue North
- (b) 135 Strachan Street East
- (c) 50 Simcoe Street East
- (d) 177 Mud Street

City Sale -  
Hamilton Industrial  
Park #1.

The Committee was in receipt of a report from the Director of Property dated 1988 September 20 respecting City Sale - Lot 38, Plan M-227, Hamilton Industrial Park #1.

The Committee APPROVED the following:

That the Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 38, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on 1987 September 23, by the Purchasers, William Pickard, 441138 Ontario Limited and William Castle and approved by City Council on 1987 October 13, 19th Report of the Planning and Development Committee, Item #16 and as amended to the names of William Pickard, 441138 Ontario Limited, Aiden Tuite and Luigi Centurami and approved by City Council on 1988 May 31, 30th Report of the Planning and Development Committee, Item #2, BE FURTHER AMENDED as follows:

- (a) That the commencement of construction date be extended from 1988 September 23 to 1988 December 23, and
- (b) That the completion of construction date be extended from 1989 September 23 to 1989 December 23, and
- (c) That time is to remain of the essence of the agreement and all other items and conditions of the agreement are to remain the same.

Grant/Loan -  
Ontario Home  
Renewal Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1988 October 5 respecting a grant/loan under the Ontario Home Renewal Programme (O.H.R.P.).

The Committee APPROVED the following:

- (a) That the Director of Community Development BE AUTHORIZED to process the following grant/loan(s) in the amounts not to exceed \$7 500; and
- (b) That the actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme:
  - (i) Edward Szypula  
1650 King Street East
  - (ii) Mrs. A. Dreher  
3 Fielding Crescent

The Committee was in receipt of a report from the Director of Community Development dated 1988 October 4 respecting Provincial/Municipal Housing Agreement for the City of Hamilton.

Provincial/  
Municipal  
Housing Agreement.

Following some discussion on this matter, it was moved by Alderman Ross, seconded by Alderman Christopherson and carried that this report be TABLED.

The Committee was in receipt of a report from the Director of Community Development dated 1988 September 2 respecting a Reapplication to the Ministry of Municipal Affairs for Financial Assistance under the PRIDE Programme for the Crown Point West/Stipeley Neighbourhoods.

Reapplication  
Ministry of  
Municipal Affairs -  
PRIDE Programme  
- Crown Point  
West/Stipeley  
Neighbourhoods.

The Committee discussed the matter of how funds are allocated by the Ministry of Municipal Affairs and the Committee directed that the Director of Community Development provide them with a report on how these funds are allocated in order that the Committee can best determine where there is an opportunity for municipal representation to provide input in the selection process.

The Committee then APPROVED the following:

That the Director of Community Development BE AUTHORIZED to reapply to the Ministry of Municipal Affairs, Community Renewal Branch, for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (PRIDE) Programme for a maximum of four hundred thousand dollars (\$400 000) to equal a total project cost of eight hundred thousand dollars (\$800 000) for the Crown Point West/Stipeley PRIDE Project, Phase II.

NOTE: On 1987 January 27, City Council gave authorization to the Director of Community Development to make application to the Ministry of Municipal Affairs, Community Renewal Branch, for financial assistance for Phase I of this Programme. Subsequently, on 1987 July 30, the Province awarded the City of Hamilton four hundred thousand dollars (\$400 000) towards Phase I of this project (50% Provincial, 50% Municipal, equalling a total of eight hundred thousand dollars (\$800 000) available for improvements.

Since this allocation was much less than anticipated in order to carry out improvements on the residential, industrial and commercial sections of the Community Improvement Project Area, City Council again authorized the Director of Community Development to make application for Phase II of the Project at an additional one million dollars (\$1 000 000) on 1987 September 29. This second phase will be stressing improvements to commercial and industrial sectors of the neighbourhoods, whereas, the Phase I Project focused on residential needs. A refusal letter was subsequently received by the City Clerk's Department on 1988 August 05.

For the information of members of City Council, the Planning and Development Committee has requested a report from the Director of Community Development on the procedure used by the Ministry in approving allocations of funds under the PRIDE Programme in order to best determine at what point the municipality could provide input.

For the information of the members of Hamilton City Council, funds for the City's portion of this project have been allocated in the 1988-1992 Capital Budget.



- (x) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (xi) That Block "17" be conveyed to the Regional Municipality of Hamilton-Wentworth as a 0.3 m reserve.
- (b) That the Subdivision Agreement BE ENTERED INTO by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-12), Effort Trust, c/o A. Weisz, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Status -  
Meeting to discuss  
rent controls.

Alderman Cooke asked for an update on the issue of a meeting to discuss rent controls. The Secretary advised that she would look into this matter to determine at what stage this matter stands and that she would advise the Alderman accordingly.

ZA88-61 -  
1446 Upper  
Ottawa Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 22 respecting Zoning Application 88-61, for property on the west side of Upper Ottawa Street, south of Turnbridge Crescent, municipally known as 1446 Upper Ottawa Street.

Moved by Alderman Ross, seconded by Alderman Agostino and carried to APPROVE the following:

That APPROVAL be given to Zoning Application 88-61, Janet and Jack Tarbutt, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located on the west side of Upper Ottawa Street, south of Turnbridge Crescent, municipally known as No. 1446 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (d) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to a "Single and Double" residential land use designation.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located on the west side of Upper Ottawa Street, south of Turnbridge Crescent, municipally known as No. 1446 Upper Ottawa Street.

The effect of the by-law is to permit development of the subject lands for single-family dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October respecting Zoning Application 88-63, for property on the west side of Upper Wentworth Street in the area north of Stone Church Road East.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-63, Westmount Homes, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located on the west side of Upper Wentworth Street in the area north of Stone Church Road East, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of Upper Wentworth Street in the area north of Stone Church Road East.

The effect of the By-law is to permit development of the subject lands for single-family dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 30 respecting Amended Zoning Application 88-21, for property at 2289 Barton Street East.

The Committee APPROVED the following:

That APPROVAL be given to an Amended Zoning Application 88-21, 373272 Ontario Limited, owner, for a modification to the established "JJ" (Restricted Light and Limited Heavy Industry) District, for property at No. 2289 Barton Street East, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the "JJ" (Restricted Light and Limited Heavy Industry) District regulations as contained in Section 16A of Zoning By-Law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
  - (i) That in addition to the uses permitted in Section 16A (1) of By-law No. 6593, the following uses shall be permitted within the existing building with a maximum retail sales area of 50% of the total gross floor area:

ZA88-63 -  
west side of  
Upper Wentworth  
Street, area north  
of Stone Church  
Road East.

Amended  
ZA88-21 -  
2289 Barton  
Street East.

<u>Use</u>	<u>S.I.C.</u> <u>Identification</u>
1. Second-hand Merchandise Stores	6591
2. Tire, Battery, Parts and Accessories Stores	6342
3. Muffler Replacement Shops	6353
4. Other Motor Vehicle Repair Shops	6359
5. Automobile and Truck Rental and Leasing Services	9921
6. Janitorial Services	9953
7. Computer Services	7721
8. Household Furniture Stores (with appliances and furnishings)	6211
9. Household Furniture Stores (without appliances and furnishings)	6212
10. Appliance, Television, Radio and Stereo Store	6221
11. Floor Covering Stores	6231
12. Drapery Stores	6232
13. Industrial Machinery and Equipment Rental and Leasing	9919
14. Office and Store Machinery, Equipment and Supplies, Wholesale	5791
(ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-449b, and that the subject lands on Zoning District Map E-103 be notated S-449b;	
(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;	
(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.	

NOTE: The purpose of this by-law is to provide for modifications to the "JJ" (Restricted Light and Limited Heavy Industry) District regulations applicable to property located at No. 2289 Barton Street East.

The effect of the by-law is to permit additional commercial uses with a maximum retail sales area of 50% of the total gross floor area within the existing buildings, as referenced to above.

Correspondence -  
Marcel Mongeon  
re: Toronto  
City Council  
Proposal for a  
Land Speculation  
Tax.

The Committee was in receipt of a letter from Mr. Marcel Mongeon of John Dydzak Enterprises Limited respecting Toronto City Council Proposal for a Land Speculation Tax.

The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1988 September 13 respecting their comments on this matter. The Commissioner for Planning and Development recommends "that the Planning and Development Committee take no action on a position regarding a Land Speculation Tax, as it is premature, until such time that the Province indicates a willingness to, and introduces a Policy Statement on the matter."

The Committee then agreed that they would RECEIVE Mr. Mongeon's letter but take NO ACTION on this.



The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 26 respecting Zoning Application 88-35, for property on the north-west corner of Stone Church Road East and Upper Sherman Avenue.

ZA88-35 - north-west corner of Stone Church Road East and Upper Sherman Avenue.

The Committee was also in receipt of a letter from Mr. Aldo P. Berlingieri, Solicitor for Mr. Carnicelli, the applicant for the application. Mr. Berlingieri requested an adjournment in order that he can better prepare a presentation on this matter for the Committee.

The Committee then agreed to TABLE this Zoning Application until a January 1989 meeting.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 5 respecting an Amended Zoning Application 88-57, for properties located at 872, 878, 882 and 890 Upper Wentworth Street.

Amended ZA88-57 - 872, 878, 882 and 890 Upper Wentworth Street.

Report of the circularization was given as follows:

492 notices sent            9 in favour            9 opposed

Questions were asked from residents from the area who were in attendance. They questioned the use being proposed for this property as well as the height which is permitted.

Mr. Lombardi, 832 Upper Wentworth spoke to the Committee. He expressed anger at how his property proposal for rezoning had been dealt with by the Committee at a previous meeting. At this point Alderman Merling responded and outlined the history of the area with respect to the Neighbourhood meetings held, the comments of the residents, etc.

Mr. Stout, representative of the applicants spoke to the Committee and showed drawings of the proposed plaza for this property. He advised that it would be a one storey building.

Following some discussion on this matter, it was moved by Alderman Cooke, seconded by Alderman Ross and carried to APPROVE this application as follows:

NOTE: Alderman Merling opposed.

- (a) That APPROVAL be given to Official Plan Amendment No. 67 to redesignate from "Residential" to "Commercial", and to extend the boundary of "Special Policy Area 33", the lands located at Nos. 872, 878, 882 and 890 Upper Wentworth Street, and that the City Solicitor be directed to prepare a By-law to adopt the Official Plan amendment for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to amended Zoning Application 88-57, Barriview Developments Limited, prospective owner, requesting a change in zoning from the "AA" (Agricultural) District and the "C" (Urban Protected Residential, etc.) District to the "HH" (Restricted Community Shopping and Commercial) District modified, to permit the development of a Neighbourhood Shopping Plaza, for properties located at Nos. 872, 878, 882 and 890 Upper Wentworth Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "D", on the following basis:
  - (i) That the lands shown as Block "1" be rezoned from the "AA" (Agricultural) District to the "HH" (Restricted Community Shopping and Commercial) District;
  - (ii) That the lands shown as Blocks "2" be rezoned from the "C" (Urban Protected Residential, etc.) District to the "HH" (Restricted Community Shopping and Commercial) District;

- (iii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2", be modified to include the following variances as special regulations:

1. That notwithstanding Section 14A(1) of Zoning By-law No. 6593, the following uses shall be prohibited:

Public Uses

- (A) A private club, lodge, fraternity or sorority house or labour union hall.

Commercial Uses

- (B) A restaurant or refreshment room.  
(C) An auctioneer's premises.  
(D) A tavern.  
(E) A billiard room, bowling alley, shooting gallery, penny arcade, public hall, music hall, theatre or other place of amusement.

2. That a minimum 9.1 m (30 foot) wide landscaped area be provided along the westerly lot line adjacent to the Fieldway Drive extension.
3. That no vehicular access shall be permitted along the westerly lot line.

- (iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1096, and that the subject lands on Zoning District Map E-18 be notated S-1096;

- (v) That the City solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council.

- (vi) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 67.

NOTE: The purpose of the By-law is to provide for a change in zoning for properties at Nos. 872, 878, 882 and 890 Upper Wentworth Street, shown as Blocks "1" and "2", on the following basis:

- (a) Block "1" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial District, modified.  
(b) Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified.

The effect of the By-law is to permit the development of the subject properties for a Neighbourhood Shopping Plaza.

In addition, the By-law provides for variances as special requirements, as referenced to above.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 5 respecting Zoning Application 88-62, for property at 577 York Boulevard.

ZA88-62 -  
577 York Boulevard.

Report of the circularization was given as follows:

102 notices sent      7 in favour      5 opposed

The owner of property at 7 Davenport Street spoke to the Committee. She questioned what the applicant had intended to do and agrees that the approval of this application would set a precedence for Commercial development in that area. She questioned the type of business anticipated for that spot as well as whether they would be able to meet the parking requirements and safety features due to the heavy traffic flow of the area.

General discussion then ensued on this issue by the Committee and concern was expressed at the future use of that area.

At this point the applicant indicated that in view of the discussion and descension on this matter that they wished to withdraw their application.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 10 respecting Neighbourhood Plan Amendments and Related Policies for Gershome and Greenford Neighbourhoods, arising from the King Street East Study.

Neighbourhood Plan  
Amendments and  
Related Policies -  
Gershome and  
Greenford  
Neighbourhoods.

A representative of the Sister of St. Joseph's Hospitals spoke to the Committee and questioned the proposed amendments.

Mr. Frank Barnes, 2783 King Street East indicated that he agrees with the proposed amendments and policies.

Mr. George Watson, 54 Monte Drive expressed concerns that development such as what is now at the south-east corner of Greenhill Avenue and King Street not be allowed to be developed on the other corner. It was indicated to Mr. Watson that the City had DENIED this Zoning Application but the Ontario Municipal Board OVERTURNED that decision, thus allowing development to take place as it now exists.

Mr. Jack Anderson, 58 Monte Drive expressed the same concerns as Mr. Watson.

Mr. Ron Murray, a representative of the City of Stoney Creek questioned the recommended setback for the property in the Stoney Creek boundaries.

The Committee indicated that the staff of both the City of Hamilton and the City of Stoney Creek should discuss these recommendations amongst themselves.

The mother and son of property at 2791 King Street East questioned the time frame for the expansion of King Street to a seven lane highway. Mr. Roland Karl of the Traffic Department indicated that a seven lane highway would only be created if it was needed. The owners of this property also indicated they are anxious for a decision to be made on the future development of this area.

General discussion then ensued on the definition of "Family Style Restaurant". Mr. Zipay of the Planning Department indicated that this is an issue that needs to be resolved more fully by staff.

Following discussion on the recommendations surrounding the amendments and related policies for these Neighbourhoods it was moved by Alderman Ross, seconded by Alderman Cooke and carried to APPROVE the recommendation presented by the Commissioner of Planning and Development with the exception of reference to "Family Style Restaurant". It was agreed that this issue would be TABLED in order that staff can work on the definition of this designation.



The following recommendation was then APPROVED:

- (a) That the Gershome Neighbourhood Plan BE AMENDED as shown on Plan 1, attached herewith and marked APPENDIX "E";
- (b) That the Greenford Neighbourhood Plan BE AMENDED as shown on Plan 2, attached herewith and marked APPENDIX "F";
- (c) That the Planning Guidelines for King Street East, attached herewith and marked APPENDIX "G", BE ADOPTED to provide direction for the design of development in this area;
- (d) That LACAC BE REQUESTED to provide further information, assistance and encouragement to the owners of the heritage buildings at 2717, 2826, 2842 and 2846 King Street East, concerning the purpose and benefits of designation under the Ontario Heritage Act;
- (e) That the City of Stoney Creek BE REQUESTED to consider the Planning Guidelines for King Street East in the review of development applications for Stoney Creek lands within the study area.

NOTE: A neighbourhood plan review was undertaken for the section of King Street East between Nash Road and Centennial Parkway, to identify the preferred types and design of new development, especially for commercial uses. Amendments to the neighbourhood plans, planning guidelines and other recommendations have been prepared, based on a review of land use, zoning and heritage resources in the area, as well as submissions from area residents.

The Planning and Development Committee, at its meeting held Wednesday, 1988 October 12th agreed to TABLE those sections of the report referring to "Family Restaurant" in order that staff can have an opportunity to more thoroughly review this issue and report back to the Committee.

ZA87-58 -  
2774-2794 King  
Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 29 respecting Zoning Application 87-58, for property at 2774-2794 King Street East.

Moved by Alderman Ross, seconded by Alderman Cooke and carried that this Application be TABLED in order that staff may have the opportunity to work on the issue of "Family Restaurant".

ZA87-95 -  
2783 King Street  
East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 September 29 respecting Zoning Application 87-95, for property at 2783 King Street East.

The Committee APPROVED the following:

- (a) That Zoning Application 87-95, F. J. Barnes, owner, requesting a change in zoning from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, to permit a retail store and/or office within the existing building for the property located at No. 2783 King Street East, as shown on the attached map marked as APPENDIX "H", BE DENIED for the following reason:
  - (i) The "H" (Community Shopping and Commercial, etc.) District is an inappropriate zoning category since the long term intended land use for the north-west corner of King Street East and Owen Place is for "Low Density Apartments".
- (b) That APPROVAL be given to Official Plan Amendment No. 68 to create a Special Policy Area to permit limited commercial uses and business offices within the existing building and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(c) That APPROVAL be given to an amended Zoning Application 87-95 requesting a modification to the "AA" (Agricultural) District provisions to permit a retail store and/or offices within the first floor of the existing building, for the property located at No. 2783 King Street East, on the following basis:

- (i) That the "AA" (Agricultural) District provisions as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as a special requirement:
  - 1. That notwithstanding Section 7A(1), the following commercial uses shall be permitted within the first floor of the existing building:
    - (A) retail clothing store
    - (B) business office
  - 2. That notwithstanding Section 7A(1), the following accessory use shall be permitted:
    - (A) One ground sign, wall sign, or projecting sign of an area not more than 0.4 square metres (4.31 sq. ft.) non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.4 metres (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district.
- (ii) That notwithstanding Section 18A.(1)(a), 4 parking spaces shall be required on site, in the rear yard and shall be set back a minimum distance of 3 m from the rear lot line;
- (iii) That a visual barrier of 2 m in height be required along the rear lot line;
- (iv) That the amended By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1097 and that the subject lands and Zoning District Map E-106 be notated S-1097;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for submission to City Council;
- (vi) That the proposed change in zoning will be in conformity with the Official Plan once Official Plan Amendment No. 68 is approved by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of this By-law is to provide for a modification to the "AA" (Agricultural) District provision for the property located at No. 2783 King Street East.

The effect of the By-law is to permit:

- (a) business offices and/or retail clothing store within the first floor of the existing building.
- (b) One ground sign, wall sign or projecting sign of an area not much more than 0.4 m<sup>2</sup> (4.31 sq. ft.) non illuminated or illuminated by non-flashing, or interior light only.

In addition, 4 parking spaces will be required to be provided on site.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1988 October 12



FOR ACTION

2.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski  
Director

DATE: 1988 November 2  
COMM FILE:  
DEPT FILE: 32-0001

NOV 2 - 1988

SUBJECT: 1989-1993 Capital Budget

RECOMMENDATION:

That the attached Capital Budget projects of the Department of Community Development included in the Capital Budget Programme 1989-1993 be approved.

*E. W. Kowalski*

FINANCIAL IMPLICATIONS: (IF NONE. STATE N/A)

See attached.

BACKGROUND:

The Waterfront Park Redevelopment projects are attached for your information. They will be forwarded to the Parks and Recreation Committee for their approval.

City of Hamilton  
Treasury

1989-1993 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Community Development
2. (a) PROJECT NUMBER: \_\_\_\_\_  
(b) PROJECT NAME: Crown Point West/Stipeley PRIDE Programme (Phase II)
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Funding to provide for the renewal of infrastructure, hard services and limited  
acquisition in Hamilton's industrial areas including the provision of improved  
buffer treatment between existing industrial and residential areas, thereby making  
it beneficial for existing to remain and expand and encouraging new industries to  
locate in Hamilton. The Programme is designed to address industrial, residential  
and commercial concerns.
4. (a) PROJECT STARTING DATE: 1989  
(b) PROJECT FINISHING DATE: 1991  
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: 1989
5. (a) GROSS COST OF PROJECT  
IN YEAR-OF-START DOLLARS: \$ 800,000  
(b) SUBSIDIES AND OTHER RECEIPTS: \$ 400,000 Ministry of Municipal Affairs  
(c) CITY'S COST: \$ 400,000 maximum allocation
- |   |                   | NO. OF PERSON<br>YEARS CREATED |
|---|-------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1989         | \$ <u>50,000</u>  | <u>1</u>                       |
| - 1990                                    | \$ <u>250,000</u> | <u>7</u>                       |
| - 1991                                    | \$ <u>100,000</u> | <u>3</u>                       |
| - 1992                                    | \$ _____          | _____                          |
| - 1993                                    | \$ _____          | _____                          |
| - 1994 AND AFTER                          | \$ _____          | _____                          |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED: |                   | <u>11</u>                      |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 20
8. ADDITIONAL ANNUAL OPERATING COST: \$ N/A
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE OR CITY COUNCIL:  
Will jeopardize or eliminate receipt of Provincial allocation; industrial areas will  
not receive necessary financial input to improve hard and soft services or to help  
eliminate chronic problem of abutting residential uses restricting growth of  
industrial uses.
10. HAVE YOU PRESENTED THIS PROJECT BEFORE? YES ☒ NO ☐  
IF YES, PLEASE INDICATE FOR WHAT YEAR 19

\_\_\_\_\_  
Signature of Department Head/Local  
Board Manager  
(for Standing Committee)

\_\_\_\_\_  
Signature of C.A.O.  
(for Executive Committee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

City of Hamilton  
Treasury

1989-1993 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Community Development
2. (a) PROJECT NUMBER: \_\_\_\_\_  
(b) PROJECT NAME: Beasley/Central PRIDE Programme (Programme for Renewal Improvement, Development and Economic Revitalization).
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Renewal of both "hard" and "soft" Municipal infrastructure within the next priority residential neighbourhood; the ranking of which was established by the Parks Sub-Committee. A review of the commercial and industrial needs of the neighbourhood will be undertaken since these concerns are also eligible under PRIDE.
4. (a) PROJECT STARTING DATE: 1990  
(b) PROJECT FINISHING DATE: 1992  
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: 1990
5. (a) GROSS COST OF PROJECT IN YEAR-OF-START DOLLARS: \$ 800,000.  
(b) SUBSIDIES AND OTHER RECEIPTS: \$ 400,000. Ministry of Municipal Affairs (PRIDE)  
(c) CITY'S COST: \$ 400,000.
- |   |                    | NO. OF PERSON<br>YEARS CREATED |
|---|--------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1989         | \$ _____           | _____                          |
| - 1990                                    | \$ <u>50,000.</u>  | <u>1</u>                       |
| - 1991                                    | \$ <u>250,000.</u> | <u>7</u>                       |
| - 1992                                    | \$ <u>100,000.</u> | <u>3</u>                       |
| - 1993                                    | \$ _____           | _____                          |
| - 1994 AND AFTER                          | \$ _____           | _____                          |
|   |                    | <u>11</u>                      |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED: |                    | _____                          |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40
8. ADDITIONAL ANNUAL OPERATING COST: \$ 12,000
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE OR CITY COUNCIL:  
Further deterioration of the Neighbourhood social and recreational facilities. Priority-One-Park remains undeveloped in neighbourhoods encompassing a major part of the Central business district and in close proximity to the Waterfront.
10. HAVE YOU PRESENTED THIS PROJECT BEFORE? YES ☒ NO ☐  
IF YES, PLEASE INDICATE FOR WHAT YEAR 19 8 8

\_\_\_\_\_  
Signature of Department Head/Local  
Board Manager  
(for Standing Committee)

\_\_\_\_\_  
Signature of C.A.O.  
(for Executive Committee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



City of Hamilton  
Treasury

1989-1993 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Community Development
2. (a) PROJECT NUMBER: \_\_\_\_\_  
(b) PROJECT NAME: Municipal Non-Profit (Hamilton) Housing Corporation  
Landbanking for Non-Profit Housing.
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
The establishment of a fund to allow for the acquisition of properties  
suitable for municipal non-profit projects. Funds will be reimbursed  
when mortgage funds are reviewed at the time of project commitment by  
the Ministry of Housing. Therefore all expenditures are fully recoverable
4. (a) PROJECT STARTING DATE: 1989  
(b) PROJECT FINISHING DATE: 1993  
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: N/A
5. (a) GROSS COST OF PROJECT  
IN YEAR-OF-START DOLLARS: \$ 5,000,000.  
(b) SUBSIDIES AND OTHER RECEIPTS: \$ \_\_\_\_\_  
(c) CITY'S COST: \$ \_\_\_\_\_
- |   |                      | NO. OF PERSON<br>YEARS CREATED |
|---|----------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1989         | \$ <u>1,000,000.</u> | <u>30</u>                      |
| - 1990                                    | \$ <u>1,000,000.</u> | <u>30</u>                      |
| - 1991                                    | \$ <u>1,000,000.</u> | <u>30</u>                      |
| - 1992                                    | \$ <u>1,000,000.</u> | <u>30</u>                      |
| - 1993                                    | \$ <u>1,000,000.</u> | <u>30</u>                      |
| - 1994 AND AFTER                          | \$ _____             | _____                          |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED: |                      | <u>150</u>                     |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 250
8. ADDITIONAL ANNUAL OPERATING COST: \$ \_\_\_\_\_
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE OR CITY COUNCIL:  
The Municipal Non-Profit (Hamilton) Housing Corporation will have  
difficulty providing sites in the future. As a result, Hamilton  
will not be able to develop its fair share of non-profit units.
10. HAVE YOU PRESENTED THIS PROJECT BEFORE? YES ☒ NO ☐  
IF YES, PLEASE INDICATE FOR WHAT YEAR 19

Signature of Department Head/Local  
Board Manager  
(for Standing Committee)

Signature of C.A.O.  
(for Executive Committee)

Date

Date

City of Hamilton  
Treasury  
1989-1993 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Community Development
2. (a) PROJECT NUMBER: \_\_\_\_\_  
(b) PROJECT NAME: Industrial Waste Clean-Up Former Lax Property
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Removal of hazardous waste on former Lax Property satisfactory to  
the Ministry of the Environment. (Consultant B.A.R. Environmental,  
CANVIRO Consultants).
4. (a) PROJECT STARTING DATE: 1989  
(b) PROJECT FINISHING DATE: 1989  
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: \_\_\_\_\_
5. (a) GROSS COST OF PROJECT  
IN YEAR-OF-START DOLLARS: \$ 1,000,000.  
(b) SUBSIDIES AND OTHER RECEIPTS: \$ N/A  
(c) CITY'S COST: \$ 1,000,000.
- |        |                                       | NO. OF PERSON<br>YEARS CREATED |
|--------|---------------------------------------|--------------------------------|
| 6. (a) | YEAR OF EXPENDITURE - 1989            | \$ <u>1,000,000.</u> <u>30</u> |
|        | - 1990                                | \$ _____                       |
|        | - 1991                                | \$ _____                       |
|        | - 1992                                | \$ _____                       |
|        | - 1993                                | \$ _____                       |
|        | - 1994 AND AFTER                      | \$ _____                       |
| (b)    | TOTAL NUMBER OF PERSON YEARS CREATED: | 50 <u>30</u>                   |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: \_\_\_\_\_
8. ADDITIONAL ANNUAL OPERATING COST: \$ \_\_\_\_\_
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE OR CITY COUNCIL:  
Ministry enforcing Environmental Protection Act and forcing clean-up.
10. HAVE YOU PRESENTED THIS PROJECT BEFORE? YES ☒ NO ☐  
IF YES, PLEASE INDICATE FOR WHAT YEAR 19 8 8

\_\_\_\_\_  
Signature of Department Head/Local  
Board Manager  
(for Standing Committee)

\_\_\_\_\_  
Signature of C.A.O.  
(for Executive Committee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

City of Hamilton  
Treasury

1989-1993 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

Community Development

1. DEPARTMENT/LOCAL BOARD: \_\_\_\_\_
2. (a) PROJECT NUMBER: \_\_\_\_\_
- (b) PROJECT NAME: Waterfront Development
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Major public waterfront recreational development at Hamilton's west harbour.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. (a) PROJECT STARTING DATE: 1990
- (b) PROJECT FINISHING DATE: 1993
- (c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: \_\_\_\_\_
5. (a) GROSS COST OF PROJECT  
IN YEAR-OF-START DOLLARS: \$ 38,300,000.
- (b) SUBSIDIES AND OTHER RECEIPTS: \$ 33,300,000.
- (c) CITY'S COST: \$ 5,000,000
- |                                   |                       | NO. OF PERSON<br>YEARS CREATED |       |
|-----------------------------------|-----------------------|--------------------------------|-------|
| 6. (a) YEAR OF EXPENDITURE - 1989 | \$ _____              | _____                          | _____ |
| - 1990                            | \$ <u>850,000.</u>    | <u>25</u>                      | _____ |
| - 1991                            | \$ <u>10,000,000.</u> | <u>300</u>                     | _____ |
| - 1992                            | \$ <u>10,000,000.</u> | <u>300</u>                     | _____ |
| - 1993                            | \$ <u>10,000,000.</u> | <u>300</u>                     | _____ |
| - 1994 AND AFTER                  | \$ <u>7,445,000.</u>  | <u>22</u>                      | _____ |
|                                   |                       | <u>947</u>                     | _____ |
- (b) TOTAL NUMBER OF PERSON YEARS CREATED: \_\_\_\_\_
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 1914
8. ADDITIONAL ANNUAL OPERATING COST: \$ \_\_\_\_\_
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE OR CITY COUNCIL:  
To be determined through the Environmental Assessment and Market/Financial Feasibility Study. However, the obvious result will be the loss of a major regional tourist/recreational development and public access to the sole remaining loss of \$10,000,000. Provincial commitment.
10. HAVE YOU PRESENTED THIS PROJECT BEFORE? YES ☒ NO ☐
- IF YES, PLEASE INDICATE FOR WHAT YEAR 19 8 8

\_\_\_\_\_  
Signature of Department Head/Local  
Board Manager  
(for Standing Committee)

\_\_\_\_\_  
Signature of C.A.O.  
(for Executive Committee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski  
Director

DATE: 1988 November 3  
COMM FILE:  
DEPT FILE: 800-0014.2  
800-0014.6  
800-0602.4

SUBJECT:

Phase IV of the Downtown Action Plan; Results of the Sanitation Study (C.C. Parker, 1988 April)

RECOMMENDATION:

- (i) That, the City of Hamilton's Sanitation Study (Phase IV Downtown Action Plan Public Alleys, Downtown Promenade and International Village B.I.A.s) formulated by C.C. Parker Consultants dated 1988 April be adopted; and,
- (ii) That, steps one through four and six of the recommended action plan of the study (attached as schedule 'A') be implemented on a trial basis for a period not to exceed nine months commencing on or about 1988 December 01; and,
- (iii) That, a thorough evaluation of the results of steps one through four and six be undertaken prior to the end of the ninth month, referred to in (ii) above;

*E. W. Kowalski per/11*

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Costs to implement the recommendations contained in the Sanitation Report (excluding step #5) should not exceed forty thousand dollars (\$40,000). Approximately fifteen thousand dollars (\$15,000) will be spent on a clean-up campaign and communication with the public, i.e. newsletters, direct mail and personal contacts. An additional twenty-five thousand dollars (\$25,000) is estimated for the purchase of individual containers at the rear of each of the effected properties (total of \$40,000). Sufficient funds are available through Phase IV of the Downtown Action Plan.

BACKGROUND:

Under the auspices of Phase IV of the Downtown Action Plan, Moorhead Fleming Corban and Partners identified a number of different elements of major importance to the revitalization of the Downtown Core, including a major clean-up of the laneways to the rear of the buildings within the Downtown Action Plan study area. Subsequently, the firm of C.C. Parker Consultants Ltd. was appointed by City Council on 1987 December 08 (24th Report of the Planning and Development Committee for 1987) to carry out a study on collection and containerization of garbage in the alleyways running parallel to and directly north of King Street East from James to Wellington Streets. Copies of this report dated April 1988 are available for the committee members' review through the Secretary.

At its meeting held 1988 October 27 the Downtown Action Plan Co-ordinating Committee approved the above recommendations. Once these initial steps have been undertaken, a review will be carried out with a view to recommending that Public Works initiate an additional garbage pick-up in the study area; as per step #5, if warranted. At that time, Public Works will approach the Transport and Environment Committee regarding the additional costs to provide same.

c.c. Mr. R. Prowse, Secretary, Transport & Environment Committee  
Keep Hamilton Clean Committee  
Mr. J. Pavelka, Director, Public Works Department  
International Village Business Improvement Area  
Downtown Promenade Business Improvement Area

## City of Hamilton

Sanitation Study  
Phase IV Downtown Action Plan

## Public Alleys

PARKER  
CONSULTANTSStep 1      Establish a Businesses/Municipal Liaison Committee

Establish a Business/Municipal Liaison Committee made up of administrative and collection staff from the Department of Public Works, a representative from the Community Development Department and representatives from the Business Improvement Areas (BIA). The purpose of this committee would be to:

- promote an on-going exchange of ideas and opinions related to garbage issues and to resolve concerns before they develop into larger problems.
- discuss, through the BIA representatives, with each business, building owner and apartment landlord the Municipal rules and regulations for organizing and disposing of their garbage. In addition to the Municipal rules, identified previously, the following guidelines should also be followed:
  - garbage should be securely bagged in large sturdy garbage bags rather than small flimsy bags or boxes.
  - cardboard boxes, if containing garbage, should be securely tied with suitable cord to prevent collapse.
  - empty boxes should be broken down and tied together.
  - food wastes should be protected from scavenging by animals.



Step 2      Arrange the Consolidation and Sharing of Existing Private  
Collection Systems

If the several existing individual private disposal contracts are consolidated into a single group contract, a cost savings should be realized by each individual user.

The BIA's would be the logical agency to administer such a contract. In developing a contract, the BIA's, through consultation with their membership, should establish standards for a maintenance contract that considers:

- procedures for emptying bins and cleaning of the adjacent area.
- frequency of bin maintenance.

A single contract should be established for both the large free standing bins and for the restaurant fat/oil bins. In addition, to the existing businesses there may, either be other businesses interested in participating in the use of private bins administered under one contract, or businesses interested in sharing the use of a bin. The results of our survey indicated that about twenty-five percent of the businesses might be interested in sharing existing containers.

The benefits of a single private bin disposal contract administered through the BIA's include:

- reduced cost to individual businesses.
- improved service both in quality of work and frequency of maintenance.
- service quality standards that can be monitored.

Step 3     Ensure that Garbage Collection Rules and Regulations are being Followed

The BIA representatives through regular contact with the members should undertake the following tasks:

- review with each alley user the careless practices in the past that have contributed to the unsightly conditions in the alley.
- contact new businesses as they open, to ensure that they are aware of the recommended methods for disposal of garbage, as well as the day and time for Municipal collection.
- promote pride within block merchants to maintain the alleys in clean condition. Keeping the alleys clean, free of loose garbage and debris should be everyone's goal. Each BIA member shares a responsibility for the condition of the alleys.

Step 4     Designation of Specific Areas for Garbage Disposal

In locations where the alleys are too narrow to accommodate garbage storage and vehicle access, locations have been identified on Exhibits 1 and 2 where garbage containers can be installed. These locations are on private property and, where practical, could be shared by a group of users. These garbage containers should be fixed containers mounted on walls. The minimum size for these containers would be 5 ft. high x 2 ft. wide x 10 ft. long with a middle shelf, which would provide sufficient storage for the maximum number of garbage bags or boxes per business. Larger dimensions can be achieved where space permits. These containers should also have sliding side doors for easy access by Municipal collection crews and should be raised about one foot above the ground.

The BIA's should arrange and negotiate with property owners the necessary agreements to have the bins installed on building walls. The bins could be constructed and installed through a contract administered by the BIA's. The cost for this work could be financed through the BIA membership levy.

#### Step 5      Increase Frequency of Collection

Several businesses indicated, as a comment in their questionnaire, that they would benefit from additional municipal garbage pick-up. A survey of other municipalities, conducted by the Department of Public Works, indicates that most other municipalities collect garbage within their downtown core area at least twice per week. A summary of these survey results is contained in Appendix 3. Many of the businesses generate large amounts of garbage with no place to store it except in the alley. An additional pick-up would alleviate the problem of garbage building up over an entire week.

Garbage was collected at night some years ago on an experimental basis. This practice was abandoned because of the difficulties and problems associated with working in a dark alley in the early morning hours. Collection could not begin until after businesses, in particular restaurants, had closed.

It is suggested that the recommendations Steps 1 to 4 be implemented, if however, they do not completely resolve the problem, it may be necessary to add an additional municipal collection in the downtown core. The City now collects garbage Tuesday morning. Friday would be the most desirable day for this extra collection. The cost for this added service is



estimated to be in the order of \$42,000 per year based on a collection crew cost of about \$800 per day. This cost is higher than the normal cost of \$640 per day for a crew because this second collection is in addition to Friday's regular collection and takes into account possible overtime and related costs associated with this work.

#### Step 6     Monitor and Fine Tune System

As each step is implemented, the Liaison Committee should monitor the results to evaluate the effectiveness of each. If a particular location becomes a chronic problem it may be necessary for the City to enforce the requirements of By-law 85-150 Collectible Wastes. It is recognized that actually witnessing the offence and enforcing the by-law may be difficult. However, enforcement of the rules protects those that comply with the by-law while penalizing those that do not to follow the regulations.



FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 November 3

COMM FILE:

DEPT FILE:

SUBJECT: L.D.Jackson Square - Cinema Expansion

RECOMMENDATION:

- (a) That the City, in its capacity as Landlord grant approval to First Phase Civic Square Limited, of the plans and drawings of the expansion within the First Phase of L.D.Jackson Square, contemplating the creation of an additional building coverage of 14,600 square feet to house a Six-Plex cinema.
- (b) That First Phase Civic Square Ltd. (Lessee) be advised that formal amendments to the Ground Lease will require Council approval to effect this alteration to this phase of the L.D.Jackson Square Development including the payment of additional ground lease rent prior to commencement of any alterations for the purpose of this expansion.

  
D. W. Vyce

FINANCIAL IMPLICATIONS:

The net rentable area of the Square will be increased; therefore, the rental to be paid by the developer will be increased accordingly pursuant to the Ground Lease.

BACKGROUND:

In adopting Item 16 of the 15th Report of the Planning & Development Committee, City Council on June 28, 1988 granted approval in principle to First Phase Civic Square Ltd. to expand the cinemas within the first phase of L.D.Jackson Square, the expansion contemplating the creation of an additional building coverage of 14,600 square feet at the Plaza Level. The expansion program will result on the development of a Six-Plex Cinema, operated by Famous Players Inc.

The preliminary approval granted by City Council was subject to First Phase:-

- (a) complying with the Ground Lease, including additional ground lease payment
- (b) complying with all Federal, Provincial, Regional and Municipal laws, by-laws, requirements and regulations
- (c) providing the detailed plans and drawings for approval in accordance with the Ground Lease



- (d) executing any amendments to the Ground Lease, if formal amendments prove necessary.

With respect to the aforementioned conditions, I wish to advise as follows:-

- (a) First Phase Civic Square Limited will be paying additional rent for the greater square footage of rentable space to be constructed. The actual rent will be determined once the final calculation of rentable space is determined and will form part of the amendment to the Ground Lease referred to in condition (d).
- (b) Detailed plans and drawings have been provided to our office in accordance with the terms and conditions of the Ground Lease. Plans have also been submitted to the Building Department for the purpose of obtaining a Building Permit.

I have reviewed the detailed plans of the addition planned for the Plaza Level together with staff from the Planning Department. The proposal calls for an additional 14,600 square feet of building to be constructed at the Plaza Level in two stages, ultimately resulting in the creation of six theatres. Currently two theatres exist at this location. The exterior of the building will be brick and mirrored glass. Alterations to the planting and seating areas on the Plaza Level will take place as a result of the new addition. New landscaping will be added to the area through the use of trees, grass and a water fountain feature. Construction is expected to commence in January of 1989 with the renovation of the existing cinemas. Reopening of these Cinemas will occur in May of 1989. The additional four theatres will be ready for occupancy by September of 1989.

During construction, a new elevator will be added, connecting the interior mall with the upper level theatres and office space.

In summary, the plans meet with our approval and satisfy the intent of the Ground Lease and Development Agreements between the City and First Phase Civic Square Limited.

I have in my possession a plan of the Plaza Level of the Square and elevations of the proposed addition which I will bring to the Committee for the purpose of further illustrating the proposal.

- c.c. - Mr. V.J. Abraham, Director of Local Planning  
- Mr. E.C. Matthews, City Treasurer  
- Mr. K.A. Rouff, City Solicitor - Attention: Mr. D. Powers

FOR INFORMATION

5a.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 October 24  
COMM FILE:  
DEPT FILE:

SUBJECT: L.D.Jackson Square - Phase IV - Skating Rink

BACKGROUND:

On October 13th and 14th, 1988, two articles appeared in The Hamilton Spectator with respect to a proposed change of use of space within Phase IV, L.D.Jackson Square -- from a skating rink to a day care centre.

I understand the issue is being placed on the agenda of the next Planning & Development Committee meeting. Accordingly, I offer some background information which may be of assistance to the Committee in considering the matter.

I enclose herewith a copy of my letter dated October 21, 1988 addressed to Mr. J. Milligan, solicitor for Yale Properties, owners of the L.D. Jackson Square.

Summarizing, I can inform the Committee that Yale Properties must formally advise the City in writing of their plans for altering or changing the use of space within Phase IV of the Square, together with detailed plans and specifications and request the City's approval of same. The Development Agreement and Ground Lease between the parties contemplates changes to the improvements as originally constructed from time to time, with any changes being subject to the approval of the City, which approval shall not be unreasonably withheld.

This same issue was dealt with by the Planning & Development Committee during March and April 1986. I enclose a copy of the minutes of the meeting of April 9, 1986 for your review.

Encl.

  
D. W. Vyce



# THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

- 526-2719

## PROPERTY DEPARTMENT

October 21, 1988

Milligan, Gresko & Charuk  
Barristers & Solicitors  
Robert Thomson Building  
Suite 330  
110 King Street West  
P.O. Box 738 M.P.O.  
Hamilton, Ontario  
L8N 3M8

Attention: Mr. J. Milligan

Dear Sir:

Re: Lloyd D. Jackson Square  
Phase IV - Changes to Development  
Agreement - Skating Rink

On October 13, 1988, and October 14, 1988, two articles appeared in the Hamilton Spectator in reference to the skating rink within Phase IV of the Lloyd D. Jackson Square. Mr. Frank McCutcheon, General Manager of the Square was quoted as indicating that mall management plans to close the rink and turn it into a day-care centre for employees in the shopping and office complex.

I must admit that I and Council are totally unaware of your most current plan, until we had read the newspaper articles. At the very least, I would appreciate it if you could keep me informed of your plans so that I, as the City's Co-ordinator of the Lloyd D. Jackson Square Development may be kept current.

As you are aware, the Development Agreement and Ground Lease relating to Phase IV of the Lloyd D. Jackson Square contemplates that changes will be made from time to time to the original improvements constructed thereon, such changes to be in reasonable conformity with the improvement as originally built and subject to obtaining written approval of the City, which the City agrees not to unreasonably withhold.





Before requesting the City's approval, detailed drawings and specifications and cost estimates of such proposed alterations must be submitted to the City.

If it is in fact your intention to proceed with a conversion of the skating rink to another use, would you please make a formal request to the City, through myself and provide full details of your proposal and reasons for the change of use. I will then present the matter to the City's Planning & Development Committee for their consideration.

I am sure you can appreciate that since the articles appeared in the newspaper, I have received inquiries from City Aldermen as to whether Lloyd D. Jackson Square can arbitrarily close down the skating rink. As a matter of fact, this issue will be formally placed on the agenda of the next Planning & Development Committee meeting to be held on Wednesday, October 26, 1988.

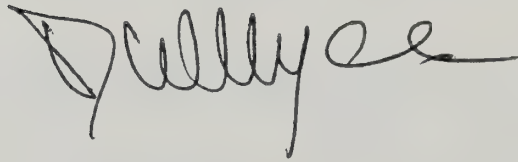
This issue was the topic of discussion I find, back in March/April of 1986. At that time, you corresponded with the City and appeared in person before the Planning & Development Committee. The result was that your planned closure of the skating rink was delayed. The minutes of the meeting indicate the rink would be closed for the summer and re-open in the Fall, following which its use would be closely monitored.

While in 1986, the City received formal correspondence as to your intentions, this current time, we received no indication of your intentions, except through the news media.

In accordance therefore with the Development Agreement and Ground Lease for Phase IV of the Lloyd D. Jackson Square, I must go on record with you that no change in use or alteration of the skating rink space is to take place without the approval of the City of Hamilton, which approval shall not be unreasonably withheld.

If it is your intention to pursue a change of use, then I would strongly recommend that you formally contact my office as soon as possible with the details and reasons for the change.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'D. W. Vyce', with a stylized flourish at the end.

D.W. Vyce  
DIRECTOR OF PROPERTY

DWV/nh

c.c.

✓ Mr. Lou Sage, Chief Administrative Officer

Mr. K. A. Rouff, City Solicitor

Attention: Mr. D. Powers

Alderman J. Smith, Chairman Planning & Development Committee

Yale Properties

2015 Peel Street

Montreal, Quebec

H3A 1T8

Attention: Mr. Emile Mashaal

under the provisions of the Planning Act. Consequently, since this matter does not fall under the provisions of the Planning Act, notice of the meeting was not circularized.

The Secretary read a copy of a letter addressed to the Chairman and Members of the Licensing Committee from Mr. P.R.A. Hooker of the City Solicitors Department dated 1986 April 8, which included the following statements:

"That the License sought here is not contrary to the public interest is shown by the fact that, among other things, the zoning by-law expressly permits a lodging house use at the location in question."

According to Mr. Dembe, License Administrator the controversy appears to arise because an existing, rented apartment building is sought to be converted into a lodging house, a legal use. This conversion is not illegal. Accordingly, it appears that the Licensing Committee has no legal grounds or justification to either hold a hearing on the application or withhold the License.

The fact that the conversion of the building from a rented premises to a lodging house may be opposed by the existing tenants of the building and others does not render the issuance of the License applied for contrary to the public interest in the Legal sense of that expression.

The inescapable fact is that the Zoning By-law permits a Lodging House at this location, according to Mr. Dembe. Having satisfied the City's various By-law requirements, the applicant is entitled to the license applied for as of right, without a hearing, and unreasonable delays or unjustified hearings could result in a law suit which the City would not win."

Following a considerable discussion, the Committee unanimously agreed that the delegation should not be allowed to make presentations to the Committee inasmuch as the License is fully in order and satisfies the City's By-laws, including Zoning.

7. Sheraton Hotel - Parking Garage

The Committee was in receipt of a report of the Chief Administrative Officer, dated 1986 April 3, advising that since the meeting of the Planning and Development Committee held 1986 March 26, and beginning March 27, the Hotel has been operating the parking with an attendant, charging normal parking rates and keeping account of the revenue, as an interim measure only until a full agreement can be reached. This interim revenue, after a reasonable deduction for staff cost, will be forwarded to the City.

The Committee was also in receipt of a written proposal from Yale Properties Limited dated 1986 April 8 prepared by it's Solicitor, Mr. J. Milligan, outlining terms under which it would be prepared to operate, manage and administer, for ten years, the hotel parking for the City in conjunction with Yales existing underground parking in Jackson Square.

Mr. Milligan pointed out that his clients have not had an opportunity to review the proposal as yet.



Following consideration, it was moved by Alderman Christopherson, seconded by Alderman Cooke and carried that the written proposal be received for information and that copies of the three page proposal be forwarded to the appropriate departments for analysis and comment.

With respect to changes to the development agreement, the Committee proceeded to consider the request of Second Phase Civic Square Limited that approval be given in principle, subject to determination of detailed plans and additional ground lease payments, to designate the storage area in the basement of Phase II as available for commercial purposes.

Mr. Milligan explained that there is an extensive amount of area presently available in Second Phase as storage space for retail and office tenants. Although the project has been developed for approximately ten years, only a minor portion of the area designated as storage has in fact been used for such purposes. He proceeded to explain that a proposed tenant has indicated an interest to convert approximately 30,000 square feet of the storage space into a Health Club. The tenants improvements will cost Yale Properties approximately \$200 000. for the conversion. It is anticipated that the Health Club will invest approximately \$1 000 000., in its operation. Mr. Milligan pointed out however that Yale Properties is not sure that the area in question will be leased. However, they must be in a position to negotiate and undertake to provide the storage space to any tenant if requested.

Alderman Christopherson questioned whether the tenants in Jackson Square were canvassed in order to give them an opportunity to express their point of view regarding the conversion of the storage space. Mr. Milligan assured the Committee that storage space will be provided to any retail or office tenant upon request.

Following consideration, it was moved by Alderman McCulloch seconded by Mayor Morrow and carried that the Committee recommend to City Council that Second Phase Civic Square Limited receive approval in principle to designate the storage area in the basement of Phase 2 as available for commercial purposes.

The Committee proceeded to discuss the request of Fourth Phase Civic Square Limited that approval be given in principle, subject to determination of detailed plans and additional ground lease payments, to closing the existing skating rink and converting the area to an alternate use.

Mr. Milligan explained to the Committee that the skating rink is very little used by the general public. He explained that Fourth Phase Civic Square Limited intends to close the skating rink in May and re-open it in the Fall of 1986. Upon re-opening the rink in the Fall, its use will be monitored very closely following which Fourth Phase will come back to the Committee with a specific request.

At the request of the Committee, Mr. Milligan agreed to post a sign for general public indicating that the skating rink will be closed for the summer and will re-open in the Fall.

Following discussion, the Committee approved of the closing of the ice rink for the summer, conditional upon it being re-opened in the Fall, at which time its use will be closely monitored.

8. Site Plan Control Application DA-86-09, 537546 Ontario inc., owner, of property at No. 190 Hempstead Drive; Rymal Neighbourhood.

The Committee reviewed plans for an addition to the existing building at 190 Hempstead Drive, Hamilton. The existing parking area will be modified to provide a total of 21 parking spaces.

As outlined in a report of the Planning Department dated 1986 April 2 the Committee adopted the following recommendation:

That approval be given to Site Plan Control Application DA-86-09 by 537546 Ontario Inc., owner of the property at 190 Hempstead Drive for an addition to the rear of the existing building subject to the following:

- (a) modification to the plans related to dimensions, and notes as marked in red on the plans.
- (b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

9. Site Plan Control Application DA-86-21, A Sourdos, owner, of property at No. 1492 Upper James Street; Kennedy East Neighbourhood.

The Committee reviewed plans for landscape and grading treatment for new and used car dealership in an existing building at 1492 Upper James Street. It was noted in the report that the zoning by-law for a modification to the "C" (Urban Protected Residential, etc.) District provisions for property at 1492 Upper James Street not be passed until a Site Plan has been approved by the Planning and Development Committee.

The Committee also agreed that Mrs. Chapple who lives adjacent to the subject property be sent an invitation to attend the meeting of the Planning and Development Committee when the Site Plan is considered.

Mrs. Chapple who was in attendance addressed the Committee and explained that she would prefer a ten foot wide landscaped planting strip along the northerly lot line with no visual barrier. It was also noted that in addition to the requirements of the Zoning By-law, the Property Standards By-law requires the erection of a vertical visual barrier as Mrs. Chapples property abutts a public garage. However, the requirement of a fence under the Zoning By-law could be waived.





ROBERT M. MORROW  
MAYOR



5b.

October 28th, 1988

Ms. Kari-Lee and Karen Sakala  
50 Beulah Avenue  
Hamilton, Ontario  
L8P 4H3

Dear Kari-Lee and Karen Sakala:

Thank you for your recent letter regarding the Rink at Jackson Square.

I find it most interesting and have taken the liberty of forwarding a copy to Mrs. Susan Reeder, Secretary of the Planning and Development Committee and Yale Properties for their information.

Again, thank you for writing.

Yours very truly

*Bob Morrow*

Robert M. Morrow  
Mayor  
City of Hamilton

RMM:dr

cc: ✓ Mrs. Susan Reeder, Planning and Development Committee  
Ms. Vivien Johnson, Marketing Director, Yale Properties



City Hall,  
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4  
Telephone: (416) 526-2790





OCT 25 1988

October 24, 1988  
50 Beulah Avenue  
Hamilton, Ontario  
L8P 4H3

His Worship Mayor Robert Morrow  
City of Hamilton

Dear Mayor Morrow:

Re: Rink in the Square, Jackson Square, Hamilton.

As you are aware many people in the City of Hamilton have become greatly distressed regarding the news of the closure of the Rink in the Square. These people if given the opportunity are prepared to make their presentation to the appropriate body to express the users side of the story. Although the need for Day Care facilities is recognised, the arguments for removing the existing skating facility is questionable.

The Rink being a relatively small size, is a unique facility in the City of Hamilton. It is used by a wide variety of users and does not compete with the 'hockey' crowd, nor does it compete with trying to grab 'ice time'. Even the City of Hamilton is trying to provide more Ice Hockey facilities for its citizens.

The Rink in the Square is used by adults and children for pleasure skating, lessons for skating, figure skating and entertainment.

Closure of the Rink would force these users to the ice hockey facilities and compete with all its times and registration fees. Other users would simply not skate any more and others would be forced to search for those outdoor areas not yet taken over by the hockey crowd.

The Winter Olympics in Calgary, seen over the World, showed the popularity of figure skating. Hopefully Copps Coliseum will someday host Figure Skating Championships which are broadcast throughout the world.

This letter can continue on and on but its prime purpose is to relate to you, our representative of the City of Hamilton, that this facility is unique and desired by many citizens. Its use has been increasing even with a somewhat lack of advertisement. The City should do everything in its power to retain this facility and encourage it to be retained. People are ready to express their views to the appropriate committee when the opportunity is available.

Yours very truly,



Kari-Lee Sakala



Karen Sakala



5c.

22 October 1988

OCT 24 1988

Dear Mr. Smith,

Please note to prevent the proposed closure of the rink in the Square. My daughter, large, age 5, enjoyed a great deal of pleasure last winter taking figure skating lessons at this centrally located facility. She was looking forward to going there again this fall, and is very disappointed that the rink is not available. We as parents prefer to have a figure skating to Coronation Rink (which is made for hockey) because of the superior seating arrangements.

No doubt Jackson Square needs a Day Care facility, but we question the sense in removing one of the outstanding features of downtown Hamilton to provide the space. Two possible alternative locations that come to mind are as follows:

1. The former 2nd floor area of the Classic Book Store (next to the Square)
2. The former 2nd floor area of the Foster's store

Surely there is a place for both the rink in the Square and a Day Care Centre at Jackson's Square.  
 Thank you for your help.

Yours truly,

John L. Olmsted



MR J L OLMSTED  
 32 MILES COURT  
 HAMILTON ONT  
 L8P 4G6





F O R   A C T I O N

6a.

REPORT TO:    S. REEDER, SECRETARY  
                  PLANNING AND DEVELOPMENT COMMITTEE

FROM:            G. S. SPENCER  
                  COMMISSIONER OF ENGINEERING

DATE:            1988 October 26  
COMM FILE:  
DEPT FILE:            S718-60  
I.D. 1418D(30)

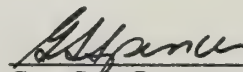
Subject

OCT 31 1988

"Rita Avenue Survey", Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)

Recommendation

- a) That the Corporation of the City of Hamilton accept the sum of \$16,200.00 as cash payment in lieu of 5% dedication in connection with "Rita Avenue Survey", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

  
\_\_\_\_\_  
G. S. Spencer  
Commissioner of Engineering

Background

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$16,200.00.

NOTE: These lands are located east of Upper Gage Avenue and north of Rymal Road in the Templemead Neighbourhood, Hamilton.

 DVC: cab.

c.c.    D. J. Consoli, City Treasury Department  
          B. Loreto, City Solicitor's Department

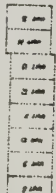
PLAN OF:

## Rita Avenue Survey

WENTWORTH CONDOMINIUM  
PART OF LOT 6 - CONCESSION 8  
GEOGRAPHIC TOWNSHIP OF BARTON  
CITY OF HAMILTON  
ORIGINAL MUNICIPALITY OF HAMILTON - NORTHWEST

SCALE  
1" = 500'  
A.S. 1918

Wentworth Condominium Plan No 106



2007-2 plan 62P-2404  
2007-2 plan 62P-2404  
2007-2 plan 62P-2404

LOT

BLOCK 25

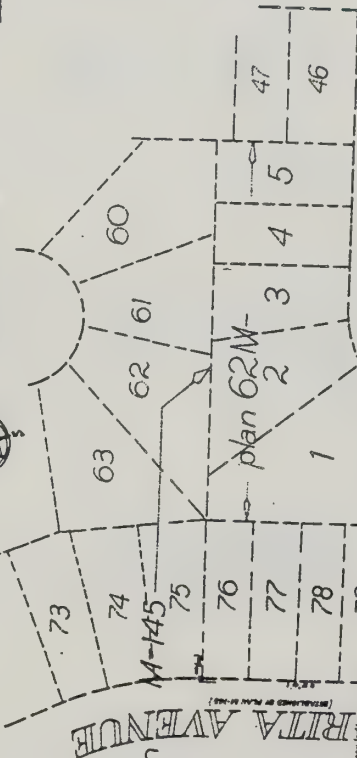
BLOCK 150 plan 62M

part 1 - plan 62P-5694

part 2 - plan 62P-5694



THESE LOTS ARE THE PROPERTY OF THE CITY OF HAMILTON



TEMPLEMEAD DRIVE  
subdivision by By-Law No 66

SI ON 8

OF BARTON

RITA AVENUE

TEMPLEMEAD DRIVE

RITA AVENUE

RITA AVENUE

RITA AVENUE

RITA AVENUE

RITA AVENUE

RITA AVENUE

RITA AVENUE

RITA AVENUE

PLAN 62M-

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A.S. 1918

F O R   A C T I O N

6b.

REPORT TO:    S. REEDER, SECRETARY  
                  PLANNING AND DEVELOPMENT COMMITTEE

FROM:            G. S. SPENCER  
                  COMMISSIONER OF ENGINEERING

DATE:            1988 October 28  
COMM FILE:  
DEPT FILE:            S704-31  
I.D. 0246D(32)


Subject

NOV 1 1988

"DeSANTIS GARDENS", Hamilton  
(Cash Payment in lieu of 5% Parkland Dedication).

Recommendation

- (a) That the City of Hamilton accept the sum of \$16,675.00 as cash payment in lieu of 5% dedication in connection with "DeSantis Gardens", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

  
\_\_\_\_\_  
G. S. Spencer  
Commissioner of Engineering

Financial Implications

N/A.

Background

The owner of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

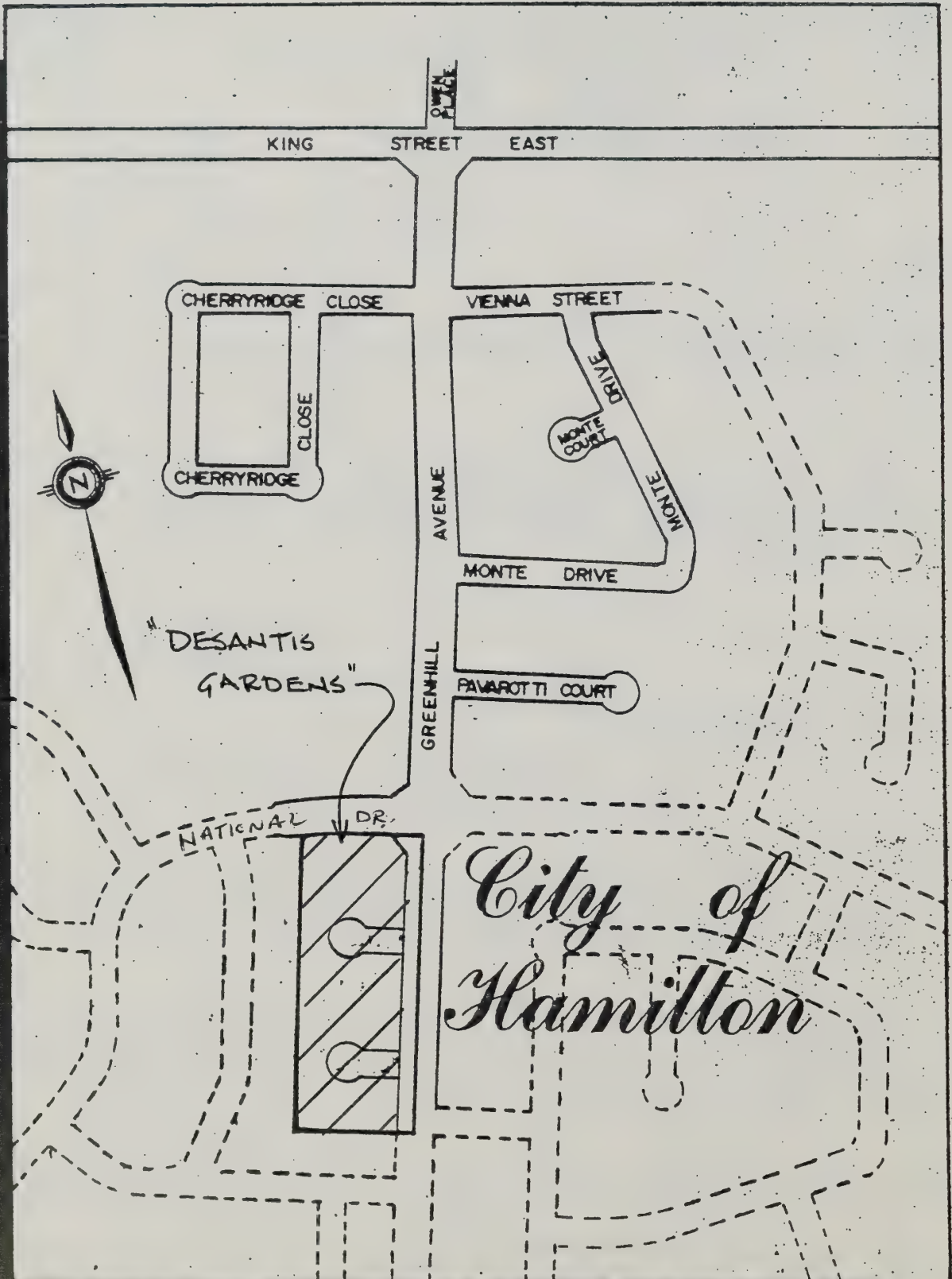
In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$16,675.00.

NOTE:    These lands are located west of Greenhill Avenue and south of National Drive in the Gershome Neighbourhood, Hamilton.

CAU: cab.  
Encl.

c.c.    D. J. Consoli, City Treasury Department





# DeSantis Gardens

PLAN OF SUBDIVISION  
OF PART OF  
LOT 28  
CONCESSION 4  
FORMERLY IN THE  
TOWNSHIP OF SALT FLEET  
NOW IN THE  
CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH  
Scale 1:500 metres  
A. T. McLAREN, O.L.S. - 1988



LOT	BACKSIGHT	ARC (M)	CHORD (M)	CURVE BEARING	ANGLE	BEARING	AREA (M <sup>2</sup> )
1	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
2	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
3	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
4	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
5	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
6	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
7	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
8	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
9	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
10	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
11	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
12	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
13	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
14	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
15	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
16	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
17	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
18	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
19	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
20	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
21	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
22	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
23	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
24	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
25	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
26	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
27	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
28	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
29	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997
30	5.200	7.854	7.071	N 87° 07' 30" W	80° 00' 00"	N 87° 07' 30" W	12.997

LOT	AREA (M <sup>2</sup> )	PERCENT
1	12.997	4.1
2	12.997	4.1
3	12.997	4.1
4	12.997	4.1
5	12.997	4.1
6	12.997	4.1
7	12.997	4.1
8	12.997	4.1
9	12.997	4.1
10	12.997	4.1
11	12.997	4.1
12	12.997	4.1
13	12.997	4.1
14	12.997	4.1
15	12.997	4.1
16	12.997	4.1
17	12.997	4.1
18	12.997	4.1
19	12.997	4.1
20	12.997	4.1
21	12.997	4.1
22	12.997	4.1
23	12.997	4.1
24	12.997	4.1
25	12.997	4.1
26	12.997	4.1
27	12.997	4.1
28	12.997	4.1
29	12.997	4.1
30	12.997	4.1

NOTE  
ALL DISTANCES SHOWN ON CURVES ARE  
IN METRES.  
ALL DISTANCES  
SHOWN ON THIS PLAN ARE IN SQUARE METRES AND  
CAN BE CONVERTED TO SQUARE FEET BY DIVIDING BY 0.000929

METRIC NOTE  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN  
BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND  
CAN BE CONVERTED TO SQUARE FEET BY DIVIDING BY 0.000929

LEGEND:  
○ DEMOTES MONUMENT SET  
● DEMOTES MONUMENT FOUND  
— IRON BAR  
— STIMULATED IRON BAR  
— A.T. McLAREN, O.L.S.  
— CITY OF HAMILTON  
— J. T. PETERS, O.L.S.  
— A.T. McLAREN, O.L.S.  
— PLAN 62M

## OWNER'S CERTIFICATE

I, THE SUBDIVIDER, HEREBY CERTIFY THAT THE  
LOTS 1 TO 30 SHOWN ON THIS PLAN AND THE  
BOUNDARIES AND MEASUREMENTS THEREON HAVE  
BEEN Laid Out BY ME OR BY A SURVEYOR  
REGISTERED IN THE PROVINCE OF ONTARIO  
IN ACCORDANCE WITH THE REGULATION  
AND THE ACT RESPECTING THE REGULATION  
OF THE SURVEY AND COMPLETED ON THE  
DATE OF THE SURVEY

## SURVEYOR'S CERTIFICATE

I, THE SURVEYOR, HEREBY CERTIFY THAT THE  
SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEY ACT AND THE REGULATION AND THE REGULATION  
OF THE SURVEY AND COMPLETED ON THE  
DATE OF THE SURVEY

PLAN 62M-  
CERTIFY THAT THIS  
IS REGISTERED IN THE  
OFFICE FOR THE LAND  
OF HENTWORTH AT  
ON THE DATE  
AND ENTERED IN THE  
PARCEL  
AND REQUIRED TO BE  
REGISTERED AS A  
DOCUMENT NO.

THIS PLAN COMPILED &  
SECTION 34(1) & (2)  
APPROVED UNDER SECTION  
PLANNING ACT BY THE CO-  
REGIONAL MUNICIPALITY OF  
HENTWORTH ON THE  
DATE OF  
THIS PLAN OR  
REGISTRATION

A.T. McLAREN LIMITED  
ONTARIO LAND SURVEY  
103 JOHN STREET SOUTH  
HAMILTON - ONTARIO  
N7Y 0G8 - 527-8888





FOR ACTION

7.

REPORT TO: MRS. S. K. REEDER, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER  
PURCHASING

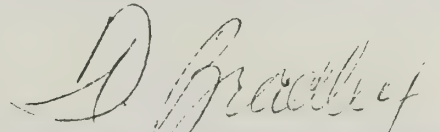
DATE: 1988 October 25  
COMM FILE:  
DEPT FILE:

SUBJECT: SUPPLY, DELIVERY AND INSTALLATION OF FURNITURE, BUILDING DEPARTMENT

RECOMMENDATION

That a purchase order be issued to Canadian Thermopower Industries Ltd., Mississauga, in the amount of \$14,181.16, for the supply, delivery and installation of Furniture, Building Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of four (4) tenders received. Funds provided in Office Furniture Account #0344-1071 (\$13,453) and Work in Progress Account #0408-W5522 (\$728.16).



T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

See above RECOMMENDATION

BACKGROUND-Tender Analysis

Canadian Thermopower Industries Ltd., Mississauga	\$14,181.16
Cloke & Son Ltd., Hamilton	14,432.27
SIL & Associates, Oakville	14,942.05
Cambrian-Parsons, Hamilton	12,546.36 *

\* - Incomplete - Did not bid on six of the items required and proposed an unacceptable material substitution due to furniture incompatibility.



FOR ACTION

8.

REPORT TO: MRS. S. K. REEDER, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER  
PURCHASING

DATE: 1988 November 4  
COMM FILE:  
DEPT FILE:

SUBJECT: SUPPLY, DELIVERY AND INSTALLATION SUPERVISION OF CLOCK TOWER, JARVIS  
STREET SQUARE

RECOMMENDATION

That a purchase order be issued to The I.T. Verdin Company, Thornhill, in the amount of \$149,968 plus 8% Provincial Sales Tax, for the supply, delivery and installation supervision of Clock Tower, Jarvis Street Square in accordance with specifications issued by Moorehead Fleming Corban & Partners and Vendor's tender.

NOTE: Lowest of three (3) tenders received. Funds provided in Downtown Hamilton Action Plan, Phase IV, Jarvis Street Square Clock Tower Account #04075-A94015.

  
T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)  
See above RECOMMENDATION

BACKGROUND-Tender Analysis

The I. T. Verdin Company, Thornhill	\$161,965.44
Excellent Signs & Displays (1983) Inc., London	260,632.00
Trystan, a Div. of Date Industries Ltd., Ayr	127,008 *

\* - Does not meet specifications in three major areas.





9.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE: 1988 OCTOBER 21  
COMM FILE:  
DEPT FILES: SA-88-16  
25CDM-88007

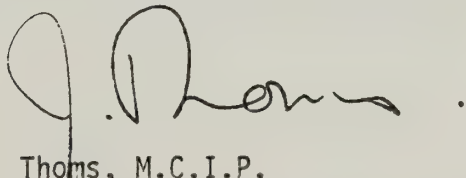
SUBJECT

Proposed Draft Plan of Condominium "Robinson Property".

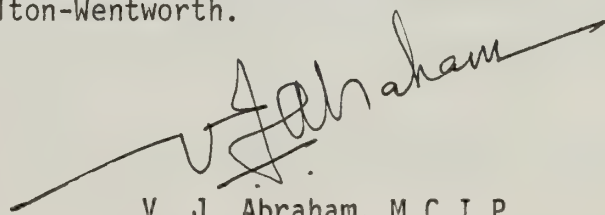
RECOMMENDATION

That approval be given to application SA-88-16, "Robinson Property", E. Robinson Properties, owner, to establish a draft plan of condominium located on the north side of Limeridge Road west of West 5th Street, subject to the following conditions:

1. That this approval apply to the plan prepared by MacKay, MacKay & Peters Limited dated June 30, 1988.
2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development



V. J. Abraham, M.C.I.P.  
Director  
Local Planning

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### Owner

E. Robinson Properties, Hamilton, Ontario.

### Agent

MacKay, MacKay & Peters Limited, Hamilton, Ontario.

### Surveyor

MacKay, MacKay & Peters Limited, Hamilton, Ontario.

### Location

The lands, comprising 0.4228 ha, are located on the north side of Limeridge Road West and west of West 5th Street, in the Rolston Neighbourhood, City of Hamilton.

## PROPOSAL

The owner proposes to construct 62 apartment units in an eight storey building as a condominium project.

## EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" in the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Medium Density Apartments". The proposal complies.

Zoning - the lands are zoned to permit the proposed use. The proposal complies.

#### COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Environment,  
Ministry of Transportation,  
City Board of Education,  
Hamilton-Wentworth Roman Catholic Separate School Board,  
Ontario Hydro, Union Gas and Bell Canada,  
City Traffic Department,  
City Building Department.

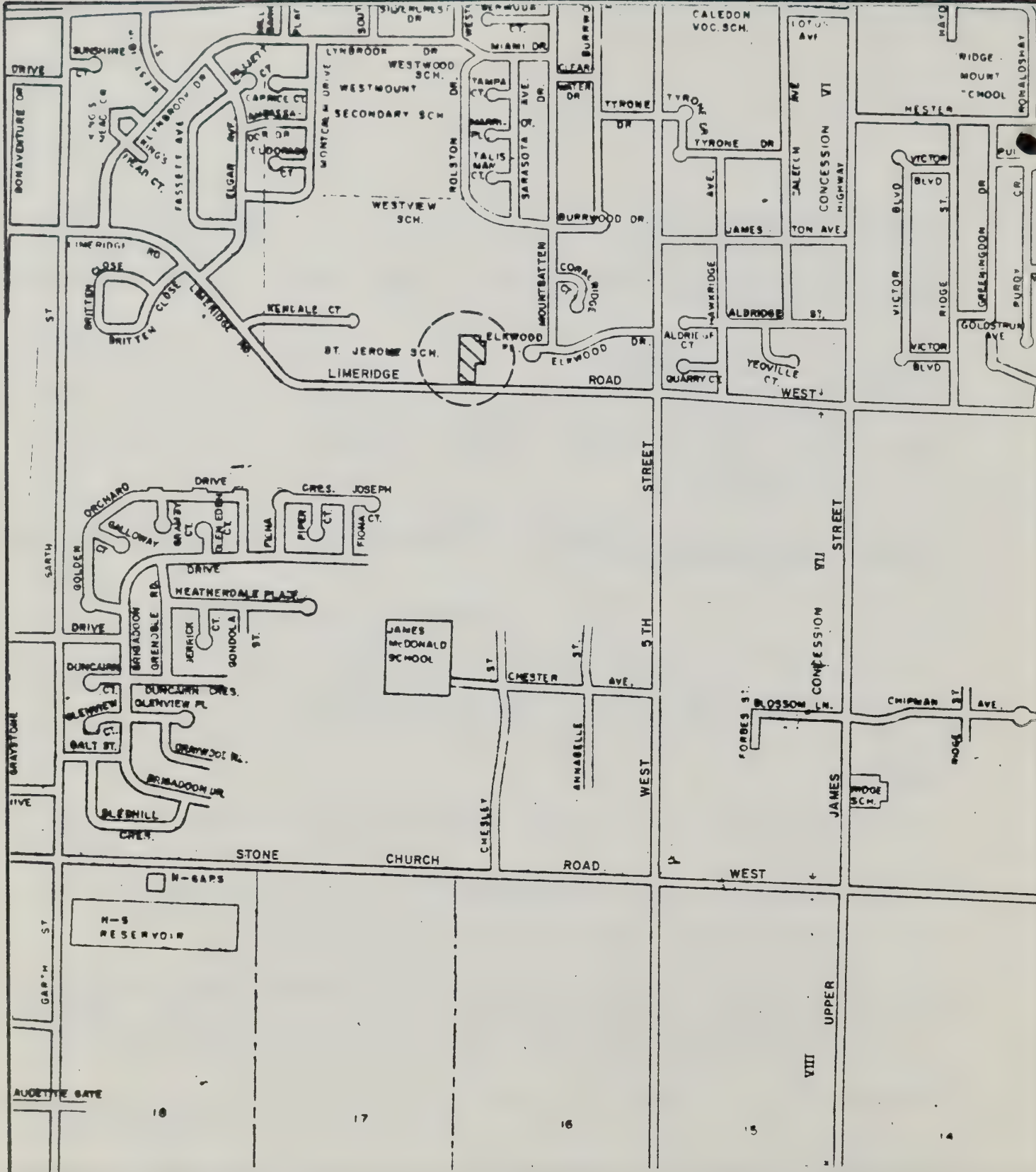
The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

1. The owner meet all financial requirements of the Region; and,
2. The submitted plan, as prepared by J. David Peters, O.L.S. and dated June 30, 1988, is satisfactory to the Department of Engineering, subject to the above-mentioned comments and recommendations.

#### COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner received approval of a Site Plan under DA-87-42.
4. The plan of condominium is not a conversion and therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.

JLS/jd



## Location Plan For

DRAFT PLAN OF CONDOMINIUM

**BLOCK "B"**

KENDALE GARDENS - REGISTERED PLAN M-52

**CITY OF HAMILTON**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend



PROPOSED CONDOMINIUM

North



Scale

1"=1000'

Reference File No.

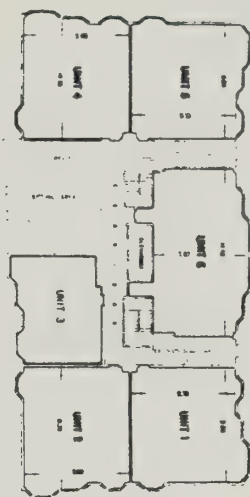
25 CDM-88007

Date

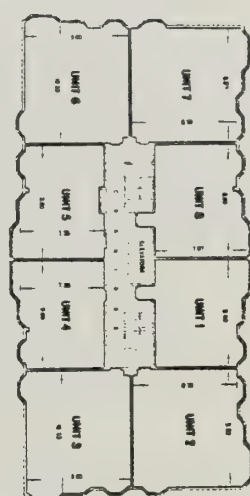
AUG. 2, 1988

Drawing No.



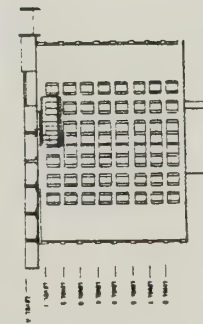


FLOOR PLAN - LEVEL 1

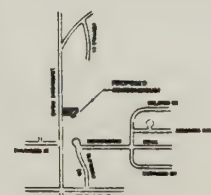


TYPICAL FLOOR PLAN - LEVELS 2-8

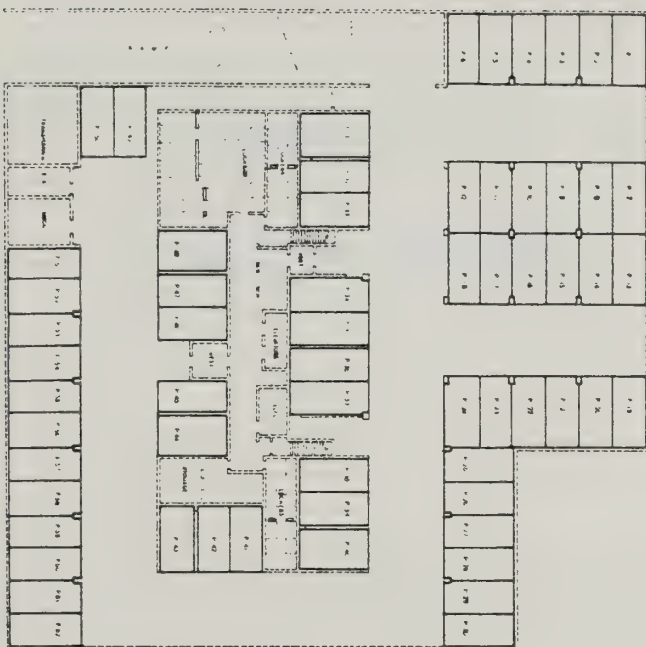
FRONT ELEVATION



REAR PLAN



FLOOR PLAN - LEVEL 1



OWNER'S CERTIFICATE

OWNER'S CERTIFICATE

OWNER'S CERTIFICATE

OWNER'S CERTIFICATE

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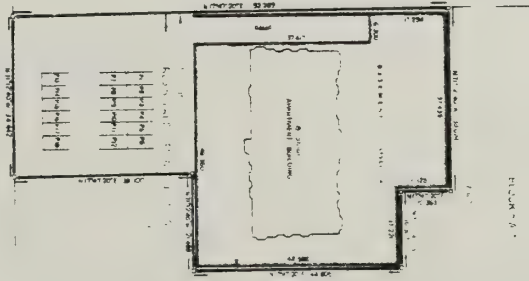
OWNER'S CERTIFICATE

OWNER'S CERTIFICATE

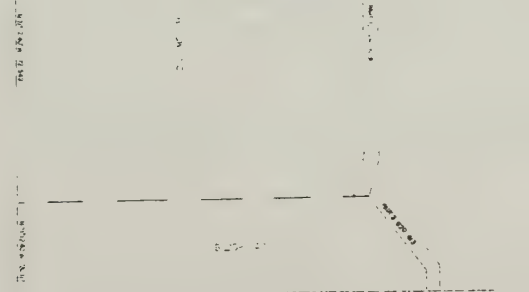
OWNER'S CERTIFICATE

DEVELOPER: MACKAY GARDENS - DECEASED PLAN M-83  
CITY OF HAMILTON  
RECORD: MUNICIPALITY OF HAMILTON - WESTERN

UNIT 1000 - ROAD



UNIT 1000 - ROAD



MACKAY GARDENS LIMITED  
1000 GARDEN ROAD  
HAMILTON, ONTARIO



FOR ACTION

10.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 19  
COMM FILE:  
DEPT. FILE: P5-7-1

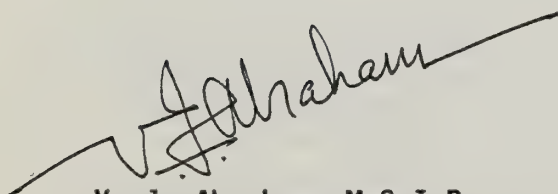
SUBJECT:

Development Control - Niagara Escarpment Planning Area.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that the City Clerk be directed to advise the Region that the City of Hamilton supports:

- the retention of the existing development control system administered by the Niagara Escarpment Commission for those areas designated "Escarpment Natural Area" in the Niagara Escarpment Plan within the City of Hamilton; and,
- the City assume development control through zoning and site plan control for those areas designated "Escarpment Protection Area" and "Urban Area" in the Niagara Escarpment Plan.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Region has requested the City's comments on a report entitled "Development Control in the Niagara Escarpment Planning Area". The report details three options available regarding development control in the Niagara Escarpment Planning Area including:

- retain the existing system administered by the Niagara Escarpment Commission (N.E.C.);

- delegate the responsibility to the Region; or,
- delegate the responsibility to the local municipality.

### BACKGROUND

The Region of Hamilton-Wentworth has requested the City's comments (amongst others) on a report entitled "Development control in the Niagara Escarpment Planning Area" (see Appendix I attached). This report discusses the advantages and disadvantages of three options available regarding development control in the Niagara Escarpment Planning Area including:

- retaining the existing system as administered by the N.E.C.;
- delegating the responsibility to the Region; or,
- delegating the responsibility to the local municipality by removing the designated Development Control Area and replacing it with zoning and site plan control.

Prior to taking a position on this matter, the Region has requested comments from the area municipalities, the Hamilton, Halton and Grand River Conservation Authorities, the Niagara Escarpment Commission (N.E.C.) and the Ministry of Municipal Affairs.

### ANALYSIS

Development control within the Niagara Escarpment Planning Area is currently administered by the N.E.C. The Niagara Escarpment Planning and Development Act permits the delegation of the administration of the development permit system to a Regional Municipality if requested, and provided the Regional Official Plan conforms to the Niagara Escarpment Plan (N.E.P.).

Alternatively, local municipalities could assume control over the Niagara Escarpment Planning Area by reinstituting zoning and site plan control if the Province agrees to remove the area from "Development Control" within that municipality. In this case, the local Official Plan must be brought into conformity with the N.E.P. A detailed description of these processes can be found in Appendix I (attached).

From reviewing the options in detail, the following observations can be made:

- N.E.C. retains development control. Maintaining the status quo will ensure consistency in the application of the Niagara Escarpment Plan policies throughout the Niagara Escarpment Planning Area. This is an established system which has been in place for a number of years. While there have been no major problems, this process has the added disadvantage of having a limited sensitivity to local situations and issues.



- Region assumes development control. This approach will ensure a consistent application of the Niagara Escarpment Plan policies within the Region. The Region is more familiar with local conditions and issues than the N.E.C. The major drawback to this option, however, is the costs and increased workload for staff. While there is staff with expertise to process applications, additional staff would be required to handle the anticipated volume of applications and administration. In addition, a system of enforcement would have to be established with possible involvement of the City Solicitor's Department; and,
- Municipality assumes development control through zoning and site plan control. Once implemented, this option will fit into an established development application process. The public would only have to deal with one level of government instead of two. This option would be costly in terms of initial and on-going implementation costs. There is staff with the appropriate expertise to process applications. However, additional staff would be required to handle the anticipated volume of applications and administration.

In assessing the implications and merits of each option, it is felt that retaining the existing development control system with the N.E.C. is preferable in those areas designated "Escarpment Natural Area" in the N.E.P. (see attached map). This designation reflects the Escarpment face within the City and is largely undeveloped except for access roads and parks. Its dramatic topography prohibits most development. It is thus appropriate for development control along the Escarpment face to remain with the N.E.C., given the Provincial importance of preserving this unique feature which traverses southern Ontario.

Further, development control for those lands designated "Escarpment Protection Area" and "Urban Area" (see attached map) in the N.E.P. should be assumed by the City through its zoning and site plan control process. The areas designated "Escarpment Protection Area" (Chedoke Golf Club and King's Forest/Red Hill Creek Valley) are either undeveloped or developed with recreation uses which maximize their unique location adjacent to the Escarpment. They are also designated "Open Space" in the City's Official Plan. The areas designated "Urban Area" in the N.E.P. are largely developed with urban uses, mainly residential. On this basis, it would be appropriate that these areas should be under the City's development control process. As noted above, this will:

- be more convenient and familiar to the public;
- ensure adequate public input; and,
- be flexible to consider local conditions.

## CONCLUSION

On the basis of the foregoing, the following approach for development control along the Niagara Escarpment can be supported:

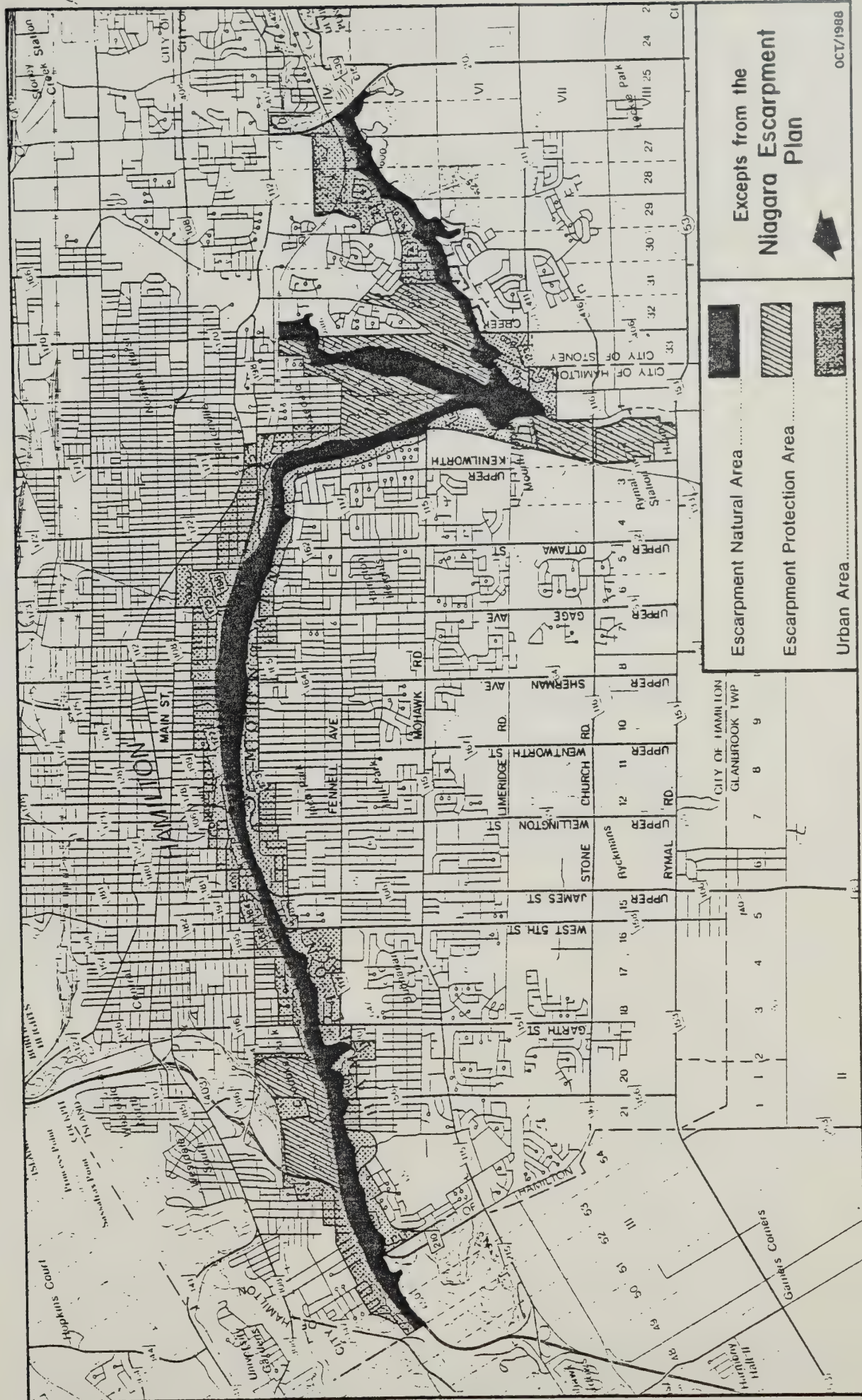
- lands designated "Escarpment Natural Area" in the Niagara Escarpment Plan should be retained under the existing development control system administered by the Niagara Escarpment Commission; and,
- lands designated "Escarpment Protection Area" and "Urban Area" in the Niagara Escarpment Plan should be administered by the City through municipal zoning and site plan control.

The City Clerk should be requested to advise the Region of the City's position in this matter.



JDT/mr

WP 0021P











THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
Office of the Clerk

526-4140

APPENDIX "I"

RECEIVED

JUL 4 1988

P.O. Box 910, Hamilton, Ontario L8N 3V9

June 30, 1988

Mr. E. Simpson, Clerk  
City of Hamilton  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8P 1H4

Dear Mr. Simpson:

Re: Economic Development and Planning Committee  
Report 10-88, Item 28

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
TO	STAFF	INIT.	INFO.	ACT.
DIR.	✓	✓		
✓ P.P.A.	✓	✓		
NEIGH.				
DEV.				
C.A.U.C.				
1				
GAHT.				

CITY CLERKS

Refer to File No.

Attention of

Your File No.

At the regular meeting of Regional Council held Wednesday, June 29, 1988 the following recommendation was concurred in:

28. Development Control - Niagara Escarpment Planning Area (PLA-88-042)

That the Report entitled, "Development Control in the Niagara Escarpment Planning Area", attached to Planning Report No. PLA-88-042, be received and circulated to all Area Municipalities; the Hamilton Region, Halton Region, and Grand River Conservation Authorities; the Niagara Escarpment Commission; and, the Ministry of Municipal Affairs for comment.

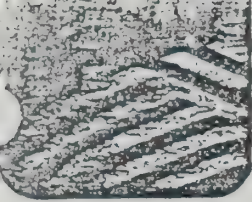
Should you have any questions, kindly contact Mr. J. Thoms, Commissioner of Planning, 526-4101.

Yours very truly,

P. Noe Johnson, M.A., LL.B.  
Regional Clerk

Attach. #3.16  
c.c. - J. Thoms

Copy: Y. Abraham, Director of Local Planning  
1988 July 5



Planning and Development Department  
119 King Street West, 14th floor  
Hamilton, Ontario

Mailing Address:  
P.O. Box 910, Hamilton, Ontario  
L8N 3V9

May 30, 1988

Refer to File No. R 516.4  
Attention of  
Your File No.

MEMORANDUM NO. PLA-88-042

TO: THE CHAIRMAN AND MEMBERS OF  
ECONOMIC DEVELOPMENT AND  
PLANNING AND COMMITTEE

SUBJECT

Development Control in the Niagara Escarpment Planning Area.

COMMENTS

The attached report examines development control for the Niagara Escarpment Planning Area. It includes an analysis of the advantages/disadvantages of three possible options for controlling development. The options are:

1. Retaining the existing system of issuing development permits processed by the Niagara Escarpment Commission.
2. Delegating the administration of the development permit system to Hamilton-Wentworth.
3. Re-establishing zoning and site plan control within the Niagara Escarpment Planning Area.

The report does not give a final recommendation regarding development control in the Niagara Escarpment Plan Area but provides a basis for further examination of this issue. The opinions of the local municipalities, Niagara Escarpment Commission, Ministry of Municipal Affairs and affected conservation authorities should be obtained before a final decision is presented to Regional Council.

## RECOMMENDATION


The Economic Planning and Development Committee recommends that:

1. The Report entitled "Development Control in the Niagara Escarpment Planning Area" attached to Planning Report No. 88-042 be received and circulated to all Area Municipalities; the Hamilton Region, Halton Region, and Grand River Conservation Authorities; the Niagara Escarpment Commission; and, the Ministry of Municipal Affairs for comment.

Respectfully submitted,



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



J. A. Gartner, M.C.I.P.  
Director  
Regional Planning Branch

SCM:dc  
Att.

W.P. DOC. #0086P





DEVELOPMENT CONTROL IN THE  
THE NIAGARA ESCARPMENT  
PLANNING AREA  
IN  
HAMILTON-WENTWORTH

Hamilton-Wentworth Planning and Development Department  
Regional Planning Branch  
Plans Administration Division

May, 1988  
W.P. DOC. #0086P

This report examines the option of delegation to the Region of development control in the Niagara Escarpment Planning Area, or its replacement by other suitable forms of regulation. The report examined all the legislative basis for delegation and options for administering development control (i.e. Provincial or Regional control over development system or area municipal control through zoning and site plan control) and provides conclusions.

The Province of Ontario presently regulates development in the Niagara Escarpment Planning Area through administration of a development permit system.

The Niagara Escarpment Planning and Development Act permits delegation of the administration of the development permit system to a Regional Municipality if requested. The delegation would not include the administration of amendments to the Niagara Escarpment Plan.

The development permit system is used to regulate development within the Niagara Escarpment Commission Development Control Area (see Map 1). The development permit allows a specific land use and/or a construction project on a property. The intent of the development permit process is to maintain and implement the policies of the Niagara Escarpment Plan (N.E.P.).

This Report is intended to provide observations and preliminary findings on the various methods of controlling development within the N.E.P. Area. It would be appropriate that final recommendations on the future control of development in the N.E.P. Areas in Hamilton-Wentworth be formulated after the receipt of feedback from the Province, local municipalities and other interested agencies on this report.

## II THE LEGISLATIVE BASIS

The legislative basis for delegation of the administration of the development permit system is contained in Section 25(1) of the Niagara Escarpment Planning and Development Act.

The Act allows delegation to Regional Municipalities only. The preconditions to delegation include:

- o Permanent, professionally qualified staff.
- o Appropriate administrative procedures and adequate financial resources to provide the service.
- o An expression by the Regional Municipality of its desire to assume or support the delegated responsibilities.
- o Agreement by the municipality to the conditions of delegation as set by the Minister.

Also, development control may be removed from lands which would allow Area Municipalities to reinstitute zoning and site plan control.

### III ADMINISTRATION OF DEVELOPMENT CONTROL - THE OPTIONS

In order to administer the Permit System or alternatively bring the development control under local jurisdiction, presently 3 options exist:

- o To retain the existing system administered by the Niagara Escarpment Commission (N.E.C.).
- o The second option is to delegate the responsibility to the Regional Municipality of Hamilton-Wentworth.
- o To delegate responsibility to the local municipality through removal of the designated Development Control Area (Map 1) with replacement by zoning on the lands.

#### A) THE EXISTING DEVELOPMENT PERMIT SYSTEM

Most development proposals within the Niagara Escarpment Planning Area, with the exception of minor activities such as interior or exterior building alterations, installation and maintenance of certain services, and minor additions, require a development permit from the N.E.C. Typical proposals covered by permits are changes in land use, new construction, building demolition and grading.

A development permit application is submitted by an applicant to the N.E.C. The N.E.C. staff circulates the application to various agencies including Hamilton-Wentworth. After receiving comments a report is presented to the N.E.C. which then makes a decision. If the decision is appealed then a hearing officer is appointed and after a public hearing he makes a recommendation to the Minister of Municipal Affairs whose decision is final.

The process takes approximately 3-4 months if no hearing is required and 6-8 months if a hearing is required. Assuming the development permit application is approved, the applicant would still have to obtain a building permit, if required, from the local municipality.

Enforcement of conditions pertaining to development permits is also needed.

Table 1 indicates the average number of N.E.C. development permit applications over the past 2 years by municipality in Hamilton-Wentworth.



TABLE 1

AVERAGE ANNUAL NO.\* OF NIAGARA ESCARPMENT DEVELOPMENT PERMIT  
APPLICATIONS BY MUNICIPALITY

REGION	180
HAMILTON	25
FLAMBOROUGH	85
STONEY CREEK	23
ANCASTER	39
DUNDAS	8

\* Based on 1986 and 1987 figures

COSTS

N.E.C. operating budget.

B) DELEGATION TO THE REGION

In this option, the Region assumes the role of the N.E.C. in processing development applications as outlined in the previous option. Regional staff would be required to process the application and attend any required hearings (i.e. N.E.C.).

In this case Regional council, or a delegated body, would assume the role of the N.E.C. and would be responsible for approving/denying N.E.C. development permit applications. The Minister has the power to revoke delegated powers at any time.

COSTS (Estimated)

Additional Staff (1/2 Planner I, Planner III,  
Steno/Clerk, Management)

Salary and Benefits	\$120,000
Administration (Printing, Mail, Office Space, Equipment)	\$ 30,000
TOTAL	\$150,000*

\* It may also be necessary to provide enforcement of development permits which may entail additional costs.



No program has been established by the Province to fund delegation. The cost of administering the system could be partially offset by the institution of an application fee if agreed to by the Province. Presently no fee is charged. If the fee were the same as a Land Severance Application, it is estimated that \$45,000 (i.e. 180 applications X \$250) would be generated to be applied against the cost of administration. Under this scenario the net cost to the Region, in 1988 dollars would be approximately \$105,000.

### C) DELEGATION TO AREA MUNICIPALITIES

Under current legislation, an area municipality cannot be delegated the administration of the development permit system. Area municipalities could assume control over development in the Niagara Escarpment Planning Area by reinstituting zoning and site plan control if the Province agrees to remove "Development Control" from the geographic area involved. One prerequisite to this option is that the local Official Plan be brought into conformity with the N.E.P.

Based on present Ministry of Municipal Affairs procedures this option could be implemented on an incremental basis. Zoning and Site Plan Control would initially be established within the Escarpment Urban Areas and then possibly extended to the Escarpment Rural Area. After having gained experience with implementing zoning and site plan control, consideration could be given to including zoning and site plan control for Escarpment Protection and Escarpment Natural Areas. This process would be subject to concurrence by the provincial Ministry of Municipal Affairs (and Niagara Escarpment Commission).

The enforcement of zoning and site plan control could be implemented under existing procedures. The municipality (in consultation with the N.E.C.), would be required to establish appropriate zoning controls for lands within the various designations (i.e. Natural, Protection, Urban and Rural) of the Niagara Escarpment Plan to ensure the zoning implements the intent of the Plan.

### COSTS

Actual costs are unknown but would involve revisions to official plans to bring them into conformity with the Niagara Escarpment Plan, and changes to the applicable zoning by-laws. Provincial grants might be available for these activities. There may also be additional staffing costs to cover increased workloads related to the approval process.

## IV ANALYSIS OF THE ALTERNATIVES

A summary of the advantages and disadvantages of each alternative is contained in Appendix "A".

From this summary the following observations can be made:

- o Delegation would allow greater municipal input and control of the planning process related to the Niagara Escarpment Planning Area.
- o Delegation will involve significant costs. If Regional delegation takes place, ongoing annual costs, including enforcement requirements, will be incurred.
- o If zoning by-laws replace N.E.C. Development Control, start-up costs will result in terms of official plan and zoning by-law review and revisions and ongoing expenses related to additional workloads associated with implementation.
- o If the Region received delegation the workload of the Regional Economic Development and Planning Committee would increase significantly since all development applications would have to be reviewed separately and applicants given the opportunity to speak. Alternatively a sub-committee may have to be established.
- o The principles and policies of the N.E.P. may be less uniformly applied throughout the Plan Area if individual area municipalities assume control through zoning.
- o In the event that a common position and consistent approach on the preferred type of development - control to be applied in Hamilton-Wentworth is not reached considerable extra complexity, expense and public confusion could be expected to result.

In the long term replacement of N.E.C. control with zoning by-laws may be most practical. This approach would eliminate the N.E.C. development control process; allow for greater local decision making within an existing planning control process; and provide for N.E.C. interests within the mandate of the present and somewhat familiar Planning Act appeal process. However, before such a system could be put in place, official plans and zoning by-laws would have to be brought into conformity with the Niagara Escarpment Plan and Provincial concurrence would be required.

Delegation of N.E.C. control to the Region could occur in a shorter timeframe and would provide a consistent and centralized administration but would be costly. Significant additional Regional administrative duties and related staffing increases and costs would be experienced. This option would entail a transfer in the administration of the existing approval function from the Province to the Region rather than its replacement (by zoning).

## V CONCLUSION

This report identifies and evaluates a number of options with respect to controlling development in the Niagara Escarpment Planning Area.

The decision to consider assumption of the administration of the Niagara Escarpment Permit System or its replacement by a zoning by-law based system must be weighed against the cost of administering the process and the desirability of increasing local control over planning matters within the Niagara Escarpment Planning Area.

Prior to a final decision being made by the Region with respect to the appropriate course to follow, the Area Municipalities, Niagara Escarpment Commission, Ministry of Municipal Affairs, and other affected local agencies (Hamilton Region, Halton Region and Grand River Conservation Authorities) should be given an opportunity to review this report and provide commentary respecting the preferred option(s).





## APPENDIX "A" - EVALUATION OF OPTIONS

### ALTERNATIVES

### ADVANTAGES

### DISADVANTAGES

A) N.E.C. retains  
Development  
Control

- No cost to the Region.
- Established process.
- Generally consistent application of N.E.P. throughout the Plan Area.

- Limited account of local situation.
- Additional approval process.
- Provincial control over minor development matters normally handled by municipality.
- Relatively long timeframe for approval.
- Inconvenience to applicant.
- Lack of consistent enforcement.

B) Region assumes  
Development  
Control

- Consistent level of application of N.E.P. throughout Region
- Region's knowledge of local conditions.
- Potentially more efficient processing of applications.
- Convenience to applicant.

- Implementation costs to Region.
- Additional approval process (2 levels of government)
- Regional control over minor development matters.
- Additional workload and responsibility for E.D. & P. Committee and Regional Council.
- Establishment of enforcement requirements.

C) Municipality  
assumes development  
control through  
Zoning and Site  
Plan

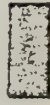
- Once implemented, will fit into a process which is already in place.
- Flexibility to consider local conditions.
- Public only deals with one process and one level of government.
- Enforcement procedures are established.

- Initial and ongoing implementation costs.
- Potential lack of consistency of application throughout Region.
- Interim use of 2 different systems could lead to public confusion over jurisdiction.
- Length of time to full implementation.

# THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH



## LEGEND



DEVELOPMENT CONTROL AREA

Ontario Government Regulation 683-80 As Amended

NIAGARA ESCARPMENT COMMISSION  
DEVELOPMENT CONTROL AREA IN  
HAMILTON-WENTWORTH

Planning and Development Department  
Hamilton-Wentworth Region



FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT


DATE: 1988 OCTOBER 28  
COMM FILE:  
DEPT FILES: SA-76-16  
25T-76024

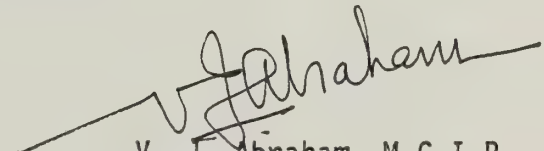
SUBJECT

Extension of Draft Approval for "Battleridge" Subdivision

RECOMMENDATION

That the Region be requested to grant a one year extension to the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024).

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development

  
V. J. Abraham, M.C.I.P.  
Director  
Local Planning

BACKGROUND

Owner

Sunshine Homes and Di Cenzo Construction Co. Ltd.

HISTORY

Battleridge Subdivision - Gershome Neighbourhood

Draft approved August 29, 1980, for 77 lots for single-family dwellings, 31 lots for semi-detached dwellings (62 units) and 3 blocks for townhouse dwellings (approximately 149 units).

Phase 1 registered in 1983 for 51 lots for single-family dwellings.

Phase 2 (under separate file as part of a townhouse block) registered in 1984 for 18 lots for single-family dwellings.

Extended in 1983, 1984, 1985, 1986 and 1987.

Present lapsing date November 29, 1988.

Requesting a further one year extension on the basis that final plans for the subdivision have not been completed.

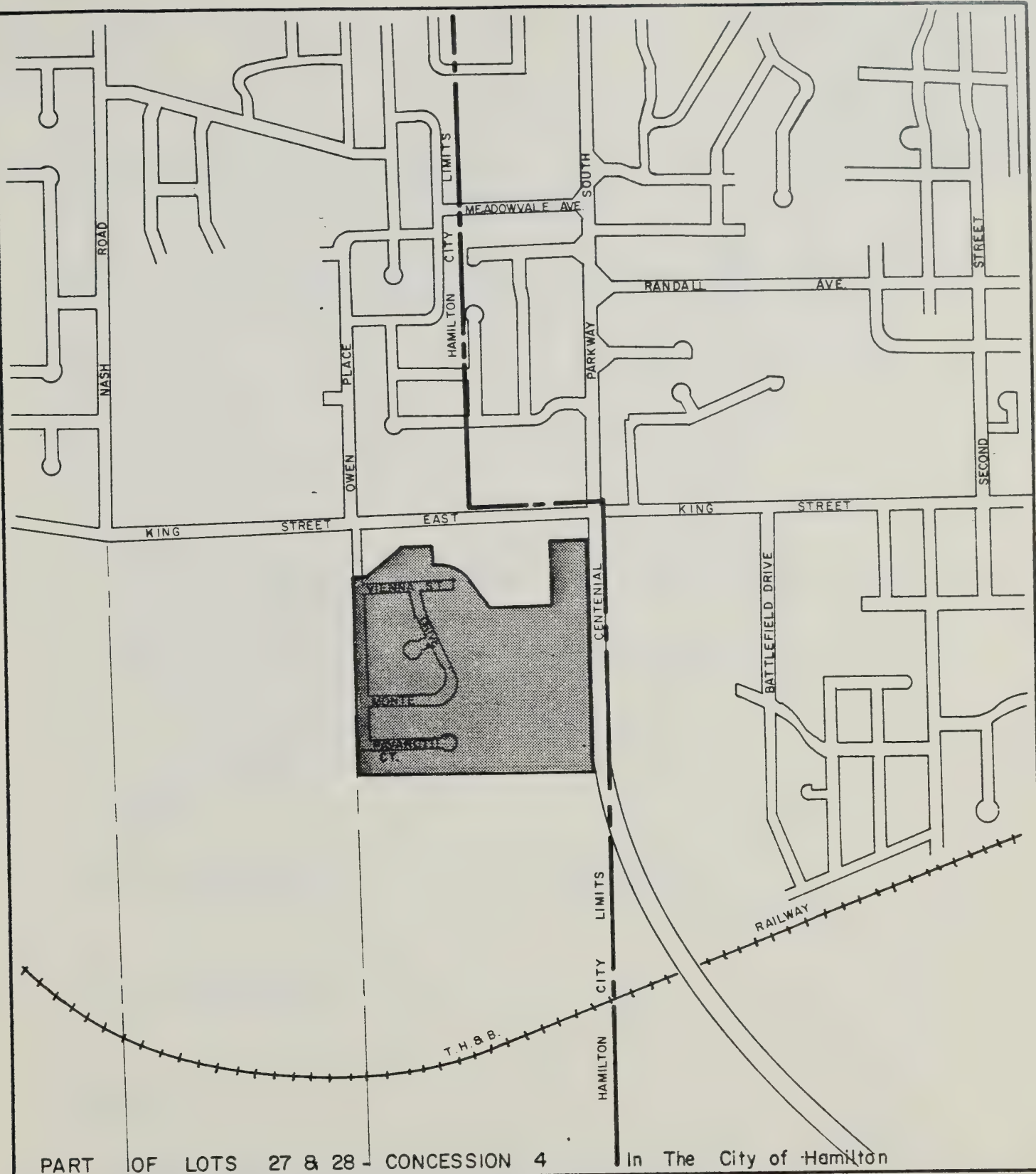
### CONCLUSIONS

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no request has been made to revise the plan or the conditions, therefore, the request should be supported on the basis of the usual extension of one year.

CMD/jd  
WPDoc 0239P





PART OF LOTS 27 & 28 - CONCESSION 4 In The City of Hamilton

Location Plan For

# **BATTLERIDGE SUBDIVISION**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 800'

Date

Aug. 1985

Reference File No.

25T-76024

Drawing No.

85-H-118



FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 02  
COMM FILE:  
DEPT. FILE: P5-4-2-19

SUBJECT:

Rent Review.

RECOMMENDATION

- a) That the Planning and Development Committee authorize a public information meeting on Rent Review and that the meeting be used to select an advisory committee.
- b) That the public meeting proceed in accordance with priority set out in the Department's 1989 Work Program.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- o Rent Review was introduced by the Provincial Government in 1986 in an attempt to balance the concerns of landlords and tenants of residential property.
- o Landlords are permitted to raise rents by a percentage increase fixed annually by the Provincial Government.
- o Higher rates can be charged through a rent review process.

- o In April 1988, John Parente wrote a letter to the Planning and Development Committee raising the rent review issue, but the matter was tabled pending the Committee deciding on a suitable format for dealing with the matter.
- o In June 1988, as a result of the report by the Task Force on student housing, the Planning and Development Committee tabled the matter again to consider the appropriateness of an advisory committee.
- o In July 1988, the Planning and Development Committee tabled the following recommendation from the High Density Residential Advisory Committee:

"that a committee, similar in make-up to the High Density Residential Study Advisory Committee, be set up to review background material and make recommendations on rent review matters for consideration by the City."

#### COMMENT

Rent Review is a complex matter and cannot be dealt with satisfactorily at a public meeting. A broad cross-section of interested parties would be needed to form a committee to examine all aspects of Rent Review. The High Density Residential Advisory Committee worked well in exchanging ideas and reaching consensus. It is suggested that a public information meeting be held in conjunction with Provincial Rent Review staff and that an advisory committee be selected at this meeting. It is estimated that the study would take between 50 and 75 person days. However, the priority for this should be considered as part of the Department's Work Program for 1989.

DG/dkp

WP 0021P



FOR ACTION

13.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 2  
COMM FILE:  
DEPT. FILE: ZA-88-82  
Yeoville  
Neighbourhood

SUBJECT:

Request for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for lands at the rear of No. 1066 Upper James Street.

RECOMMENDATION

That approval be given to an amended Zoning Application 88-82, Red Lobster Canada, Lessee, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) Districts, for property located at the rear of No. 1066 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1986 to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit development of the subject lands until such time as a site plan is submitted and is approved by the Planning and Development Committee for the proposed parking lot.

Removal of the holding restriction shall be conditional upon the submission and approval by the Planning and Development Committee of a site plan for the parking lot. City Council may remove the 'H' symbol and thereby give effect to the "G-3" provisions as stipulated in this By-law by enactment of an amending By-law once the site plan is approved.

- ii) That the subject lands be rezoned from "AA" (Agricultural) District to "G-3"-'H' (Public Parking Lots) District;
- iii) That the "G-3"-'H' (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 be amended to include the following variance as a special provision:
  - a) Notwithstanding Section 18A(11)(a) & (12)(a) of Zoning By-law No. 6593 a landscaped planting strip not less than 3.0 m (9.84 ft.) in width shall be provided and maintained along the northerly side lot line adjoining the residential district boundary.

- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map W-9a be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9a for adoption by City Council;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- vii) That the Yeoville Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double" residential to a "Commercial" land use.

#### EXPLANATORY NOTE

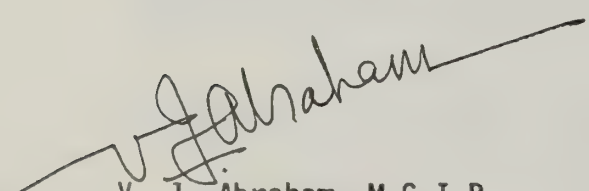
The purpose of the By-law is to provide for a change in zoning of lands located at the rear of No. 1066 Upper James Street as shown on the attached map marked as APPENDIX "A" from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District.

The amending By-law applies to the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until such time as a site plan is submitted and approved by the Planning and Development Committee for the parking lot use.

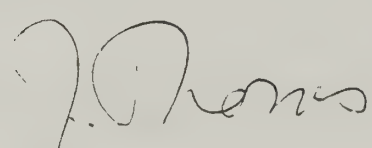
Once the site plan is approved, City Council may remove the 'H' symbol by passing an amending By-law.

The effect of this By-law is to permit a parking lot to be established on the site to be used in conjunction with the Red Lobster Restaurant located at No. 1066 Upper James Street.

In addition, the By-law requires that a 3.0 m wide landscaped planting strip be provided and maintained along the northerly side lot line adjoining a residential district.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

It is the applicants intention to rezone lands at the rear of No. 1066 Upper James Street to a "G-3" (Public Parking Lots) District to permit over-flow parking and to help relieve traffic congestion in the vicinity of the Red Lobster Restaurant located at No. 1066 Upper James Street (see APPENDIX "B" attached).

## APPLICANT

Red Lobster Canada, Lessee.

## LOT SIZE AND AREA

- 15.22 m (49.96 ft.) of lot width;
- 22.45 m (73.45 ft.) of lot depth; and
- 340.9 m<sup>2</sup> (3,669.56 sq.ft.) of lot area.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant.	"AA" (Agricultural) District.
<u>SURROUNDING LANDS</u>		
to the north	semi-detached dwellings and single-family dwellings.	"D" (Urban Protected Residential One and Two Family Dwellings Townhouses, etc.) District and "C" (Urban Protected Residential, etc.) District.
to the south	Single-family dwellings.	"C" (Urban Protected Residential, etc.) District.
to the east	A parking lot Red Lobster Restaurant	"G-3" (Public Parking Lots) District & "HH" (Restricted Community Shopping and Commercial, etc.) District.

### SURROUNDING LANDS

to the west	Single-family and semi detached dwellings.	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "C" (Urban Protected Residential, etc.) District.
-------------	--	---

### OFFICIAL PLAN

Designated "Commercial" the proposed complies.

### NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Yeoville Neighbourhood Plan, the proposal does not comply.

### COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:  
No comments received to date.

### COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal involves redesignation of the subject lands from a "Single and Double" residential designation to a "Commercial" designation on the approved Yeoville Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - it is a remanent vacant parcel of "AA" (Agricultural) zoned land which could only be utilized for either parking purposes or additional lands for one of the adjoining residential properties;
  - the proposed additional parking spaces will help to alleviate problems associated with parking and traffic congestion in the vicinity of the Red Lobster Restaurant;



- the applicant has indicated that he would be prepared to assign the parking spaces to staff, if required, to keep traffic movements on this site to a minimum.
4. Consideration could be given to an amended zoning application for a change in zoning from "AA" (Agricultural) District to a "G-3" (Public Parking Lots) District to permit parking associates with the adjoining Red Lobster Restaurant. The "G-3" (Public Parking Lot) District is subject to the provision of Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters dealing with landscaping, grading drainage, lighting, fencing, etc., can be further reviewed at the site plan stage of development. Because a building permit is not required to pave a parking lot, it is suggested that should this application be approved, that it be subject to Section 35(1) of the Planning Act R.S.O. 1986, whereby Council may, in a By-law use a holding symbol 'H' in conjunction with any zoning district. The zoning district with a holding symbol specifies the use to which lands, buildings or structures may be used at such time in the future when the holding symbol is removed by the passage of an amending by-law by City Council.
  5. The Planning and Development Department have prepared a layout for the parking lot showing required landscaped planting strips as well as required visual barriers (see APPENDIX "C" attached) which is acceptable to the applicant.

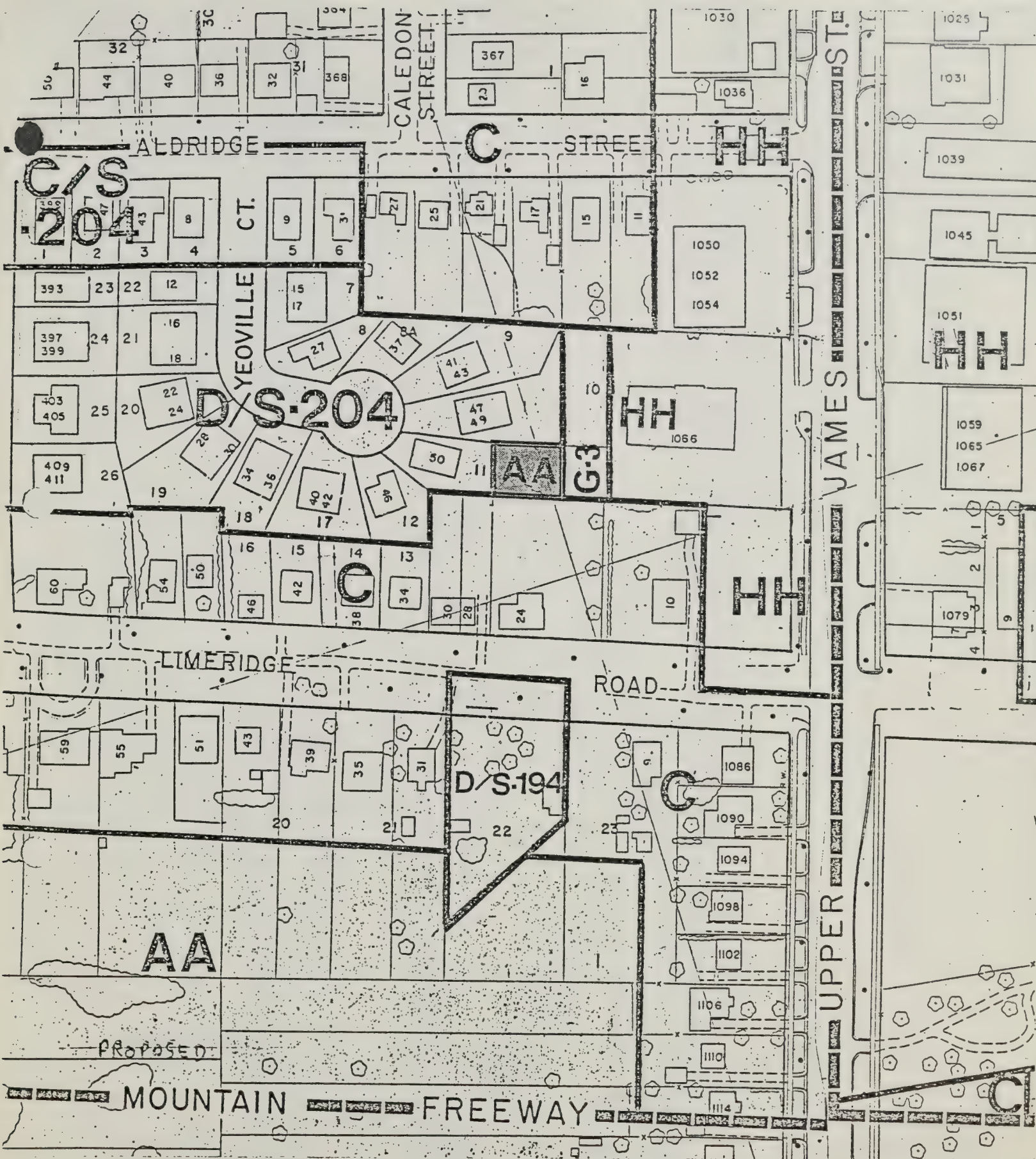
#### CONCLUSION

On the basis of the foregoing, the application can be supported.

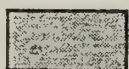
GW/ma

WP0136P





Legend



Site of the Application







REMAINDER OF PART 2  
INST NO. 22300-1A  
A. J. KAYTOR  
AREA = 26858 SQ. FT.

AREA = 6425  
SQ. FT.

PART 2

LAND TITLES

PLAN 63

FD.SIB.  
#824

N 69° 12' 05" W

N 17° 50' 30" E 49.96'

FD.SIB.  
#824

N 17° 10' 30" E

FD.SIB.  
#824

N 69° 12' 05" W

103.05'

11 PARKING SPACES

90' WIDE

IMPERIAL

AREA = 14,200 SQ. FT.

334 H.L.

AREA = 20,531 SQ. FT.

FD.SIB.  
#824

CHAIN

FENCE

SETBACK

1.5" DIA. CHERRY TREE ON LINE

CHAIN LINK FENCE

227.75'

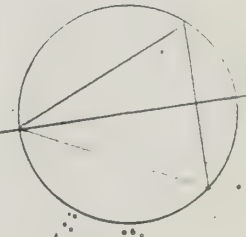
FD.SIB.

SETBACK

ROCK RETAINING WALL

SETBACK

FRAME GARAGE



REMARKS

APPLICANTS PROPOSAL

150.58









CA4 ON HBL A05  
C51P4

E. A. SIMPSON  
CITY CLERK

K. E. AVERY  
DEPUTY CITY CLERK



CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4

## THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

November 24, 1988

### NOTICE OF MEETING

Planning and Development Committee  
Wednesday, 1988 November 30th  
2:00 o'clock p.m.  
Room 233, City Hall

*Susan K. Reeder*

Susan K. Reeder  
Secretary

SKR/wmr

NOTE: Zoning Applications will be heard in the Council Chambers

### A G E N D A

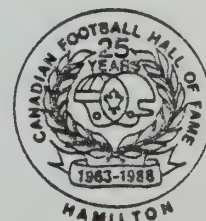
1. Minutes of the meetings held Wednesday, 1988 October 26th and Wednesday, 1988 November 2.

### BUILDING COMMISSIONER

2. Demolition Permit Applications

### DIRECTOR OF COMMUNITY DEVELOPMENT

3. Supply, Delivery and Installation Supervision of Clock Tower, Jarvis Street Square.
4. City of Hamilton's Handicapped Programme - Installation of chair-lift for the Wentworth Street School Site
5. Provincial Low-Rise Rehabilitation Programme - Tour of Duke-Bold Apartments (For Information)





DIRECTOR OF PROPERTY

6.        Parking Agreement - 255 West Avenue North (West Avenue School)
7.        Purchase by the City - 393 Sherman Avenue North

COMMISSIONER OF ENGINEERING

8.        Final Lot Grading - Mohawk Gardens (Phase 3, Stage 1)

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

9.        Continued Funding for Heritage Canada Programs.
10.       Designation of LaSalle Park Pavilion, Burlington

DIRECTOR OF LOCAL PLANNING

11.       Subdivision Application 88-13, Wardpark Developments Limited, owner, to establish a draft plan of subdivision south of Rymal Road and West of Christie Street; Kennedy East Neighbourhood.
12.       Requested walkway closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbour.

3:00 O'CLOCK P.M.

13.       Zoning Application 88-83 - for property at 120 Stone Church Road West; Gourley Neighbourhood.
14.       Zoning Application 88-70 - for property at 80 Myrtle Avenue; St. Clair Neighbourhood.  
          (a) Letter of Submission - Ms. Davis, 3 Rutherford Avenue
15.       Zoning Application 88-80 - for properties at 1500, 1514 and 1522 Upper Ottawa Street; Templemead Neighbourhoods  
          (a) Letter of Submission - Mr. Tatton, 458 Templemead Drive





3:15 O'CLOCK P.M

16. Zoning Application 88-42 - for property at 19 Aikman Avenue; Gibson Neighbourhood.
17. Zoning Application 88-79 - for property at 1865 Brampton Street and 90-100 Mead Avenue; Parkview West Neighbourhood  
(a) Letter of Submission - Mr. Clemens, 657 Brighton Avenue.

3:30 O'CLOCK P.M.

18. Zoning Application 88-78 - for properties at 130, 132, 134 and 136 Young Street; Corktown Neighbourhood.
19. Zoning Application 88-85 - for part of property at 4 Centennial Parkway South and adjacent land to the south; Gershome Neighbourhood  
(a) Letter of Submission - The Niagara Parks Commission.

3:45 O'CLOCK P.M.

20. Zoning Application 88-90 - for property at 99 Duke Street and 191 Bay Street; Durand Neighbourhood.  
(a) Letter of Submission - Mr. & Mrs. Revel, 200 Park St. S., Apt. 11B  
(b) Letter of Ms. Hearst, 125 Bold, Apt. 6
21. Other Business
22. Adjournment



Wednesday, 1988 October 26  
2:00 o'clock p.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman W. McCulloch, Acting Chairman  
Mayor Robert M. Morrow  
Alderman D. Christopherson  
Alderman B. Hinkley  
Alderman H. Merling  
Alderman D. Agostino

Regrets: Alderman J. Smith, Chairman - Ill  
Alderman D. Ross, Vice Chairman - Regional Business  
Alderman T. Cooke

Also Present: Mr. V. Abraham, Director of Local Planning  
Mr. D. Vyce, Director of Property  
Mr. L. King, Building Department  
Mr. M. Watson, Real Estate Division  
Mr. B. Allick, Building Department  
Mr. K. Brenner, Regional Engineering Department  
Mr. Bill Pooler, Building Department  
Mr. J. Robinson, Community Development Department  
Mr. S. Dembe, Licence Administrator  
Mr. P. Hooker, City Solicitor's Department  
Mr. D. Turvey, Freeway Project Office  
Mr. R. Karl, Traffic Department  
Ms. J. Hickey, Planning Department  
Mr. A. Georgieff, Planning Department  
Mrs. V. Grupe, Planning Department  
Mr. D. Godley, Planning Department  
Mrs. Susan K. Reeder, Secretary

In the absence of both the Chairman and the Vice-Chairman the Committee appointed Alderman W. McCulloch to serve as Acting Chairman for the meeting.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1988 September 28 and APPROVED these minutes.

Mayor Morrow advised that two students from the Mohawk Planning Course were in attendance at that meeting as observers.

The Committee was in receipt of a report from the Building Commissioner dated 1988 October 19 respecting Demolition Permit Applications.

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the demolition of the following properties:

- (a) 640 Cochrane Road
- (b) 1402 Upper Wellington Street
- (c) 371 Hughson Street North
- (d) 2646 King Street East
- (e) 57 Napier Street

Appointment  
of Acting  
Chairman.  
Minutes -  
1988 September 28.

Students  
observers.

Demolition  
Permit  
Applications.

Extension of  
Closing Date -  
Stone Church  
Industrial Park.

The Committee was in receipt of a report from the Director of Property dated 1988 October 6 respecting Extension of Closing Date regarding Sale of Part 3 and 4, 62R-5200 - Stone Church Industrial Park, Anchor Road.

Moved by Alderman Hinkley, seconded by Alderman Merling and carried to APPROVE the following recommendation:

- (a) That the Offer to Purchase Agreement to Sam, Peter and Morris Mercanti approved by City Council on 1988 July 26th, in adopting Item 12 of the 16th Report of the Planning and Development Committee, BE AMENDED by extending:
  - (i) the closing date to 1989 August 24th,
  - (ii) the construction commencement date to 1990 February 24th,
  - (iii) the construction completion date to 1991 February 24th.
- (b) That time is to remain of the essence of the Agreement and all other terms and conditions contained in the Agreement shall remain the same.

NOTE: The aforesaid Agreement was conditional upon the Region installing a 50' landscaped berm on the subject lands prior to the closing date. Regional Engineering have advised that due to the lack of available materials, the berm could not be completed in time. In view of the above information, the purchaser has agreed to extend the closing date until 1989 August 24th.

Transfer of Names  
and Extension of  
Commencement and  
Completion Dates -  
Hamilton Industrial  
Park No. 1.

The Committee was in receipt of a report from the Director of Property dated 1988 October 6 respecting the Transfer of Names and Extension of Commencement and Completion Dates of Construction - City Sale Lot 40, Plan M-227 - Hamilton Industrial Park No. 1.

Moved by the Mayor, seconded by Alderman Christopherson and carried to APPROVE the following:

That the Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of Lot 40, Plan M-227, duly executed on 1987 October 19 by the Purchasers, J. Piano, Lupo Mucci and Joe Licatolosi, and approved by City Council on 1987 November 24, Item 16 of the 22nd Report of the Planning and Development Committee, BE AMENDED as follows:

- (a) that J. Piano, Lupo Mucci and Joe Licatolosi be transferred to 763295 Ontario Limited,
- (b) that the commencement of construction date be extended from 1988 September 28, to 1989 March 28,
- (c) that the completion of construction date be extended from 1989 September 23, to 1990 March 28,
- (d) that all other terms and conditions of the Agreement shall remain the same and time is of the essence.

NOTE: A request has been received from Mr. Jack Restivo, solicitor for the owners to transfer the property from their names to 763295 Ontario Limited, being a Company which is wholly owned by J. Piano, Lupo Mucci and Joe Licatolosi, advising that this transfer will result in more favourable financing for their proposed building. As a result, an extension of the commencement and completion dates of construction is also required.



The Committee was in receipt of a report from the Director of Property dated 1988 October 11 respecting the Clearance of Residential Enclaves in an industrial Zone - Alpha Enclave (West).

Alderman Hinkley specifically made reference to City Council's policy adopted on 1987 July 28, Sub-section C of Section 27 of the FIFTEENTH Report of the Planning and Development Committee which states:

"That the Real Estate Department refer any persons affected by acquisition, who might benefit from Social Services Programmes, to the Regional Social Services Department".

Alderman Hinkley indicated that he trusts that this policy will be adhered to in the above-noted matter.

It was then moved by the Mayor, seconded by Alderman Merling and carried to APPROVE the following: -

- (a) That the following residential properties located in the Alpha Enclave (West) which were approved for acquisition by City Council on 1987 July 28, BE ACQUIRED through expropriation and that the City Solicitor BE DIRECTED to take the appropriate action required:

- (i) 377 Sherman Avenue North
- (ii) 379 Sherman Avenue North
- (iii) 401 Sherman Avenue North
- (iv) 403 Sherman Avenue North
- (v) 9 Gerrard Street
- (vi) 19 Gerrard Street
- (vii) 21 Gerrard Street
- (viii) 23 Gerrard Street
- (ix) 27 Gerrard Street
- (x) 354 Birch Avenue
- (xi) 358 Birch Avenue
- (xii) 388 Birch Avenue
- (xiii) 402 Birch Avenue
- (xiv) 211 Brant Street
- (xv) 217 Brant Street
- (xvi) 219 Brant Street
- (xvii) 221 Brant Street
- (xviii) 247 Brant Street

- (b) That the City Clerk BE AUTHORIZED and DIRECTED TO:

- (i) Give Notice of the City's Application as Expropriating Authority, to all owners, registered owners and tenants (as defined in The Expropriations Act) of the above residential properties in the Alpha Enclave (West) that are located within an industrial zone, for approval to expropriate in accordance with Section 34(8) of The Planning Act.
- (ii) Advertise Notice of the City's Application in a newspaper as required by The Expropriations Act, and
- (iii) Sign and receive the said Application for Approval to Expropriate.

- (c) All related costs to the acquisition and expropriation BE CHARGED to account 0408-W75266.

Alderman Christopherson asked that the Committee move IN CAMERA to discuss an issue of a Private and Confidential matter. The Committee expressed concern at the length of time this would require and agreed that they would hold off on this item until the end of the meeting.

Clearance of  
Residential  
Enclaves in an  
Industrial Zone -  
Alpha Enclave (West).

Motion to move  
IN CAMERA.

## 1989 - 1993 Budget

The Committee was in receipt of a report from the Director of Local Planning dated 1988 October 17 respecting the 1989-1993 Budget.

- Enclaves  
Clearance -  
Phase 2.

Moved by Alderman Hinkley, seconded by Mayor Morrow and carried to APPROVE the following recommendation:

"That the following Budgetary Proposal be referred to the Executive Committee for consideration for inclusion in the 1989-1993 City of Hamilton Budget:

(a) Enclaves Clearance - Phase 2."

Designated Property  
Grant - 107 George  
Street.

The Committee was in receipt of a report from the Director of Community Development dated 1988 October 19 respecting the City of Hamilton Heritage Programme - 107 George Street.

The Committee APPROVED the following:

- (a) That the Director of Community Development BE DIRECTED to process a Designated Property Grant in the amount of \$3 000 to Ms. Janet Snelgrove; and,
- (b) That the Director of Community Development BE DIRECTED to process a Community Heritage Trust Fund Loan to Ms. Janet Snelgrove, owner of 107 George Street, in the amount of \$5 750 at six (6) percent interest, amortized over a ten (10) year period.

Designated Property  
Grant - 109 George  
Street.

The Committee was in receipt of a report from the Director of Community Development dated 1988 October 19 respecting the City of Hamilton Heritage Programme - 109 George Street.

The Committee APPROVED the following:

- (a) That the Director of Community Development BE DIRECTED to process a Designated Property Grant in the amount of \$3 000 to Dr. Michael Pernfuss, owner of 109 George Street; and,
- (b) That the Director of Community Development BE DIRECTED to process a Community Heritage Trust Fund Loan to Dr. Michael Purnfuss, owner of 109 George Street, in the amount of \$5 700 at six (6) percent interest, amortized over a ten (10) year period.

Building Demolition  
- Mountain East-  
West and North-  
South Transportation  
Corridor.

The Committee was in receipt of a report from the Project Director, Freeway Project Office dated 1988 October 19 respecting Building Demolition - Mountain East-West and North-South Transportation Corridor.

The Committee was in support of the recommendation but expressed concerns at the direction it came from. The Committee agreed that this matter BE SENT BACK to the Project Director of the Freeway Project Office in order that it can be properly processed through the Regional Committee they report to, to Regional Council and then to the City's Planning and Development Committee for consideration.

It was suggested that a list be given to the Committee on the addresses to be included with this recommendation in order that they can consider the package as a whole.

O.P.A.#62 -  
Hamilton Beach  
and Confederation  
Park.

It was indicated that the Item from the Commissioner of Planning and Development dated 1988 October 18 respecting Official Plan Amendment No. 62 - Hamilton Beach and Confederation Park should be considered at 4:30 o'clock p.m. as it was advertised as a Public Meeting.

Authorization for  
Public Meeting -  
Centennial  
Parkway Study -  
ITEM WITHDRAWN.

The Director of Local Planning advised that Item 11 on the Agenda - Authorization for Public Meeting, Centennial Parkway Study should BE WITHDRAWN from the Agenda as the report is not ready at this time.

The Committee was in receipt of an Information Report from the Director of Property dated 1988 October 24 respecting the Lloyd D. Jackson Square - Phase 4 Skating Rink. It was agreed that in the absence of Alderman Smith, who had requested that this matter be placed on the Agenda, that this matter BE TABLED until the next meeting.

Lloyd D. Jackson  
Square - Phase 4  
Skating Rink - TABLED.

At this point in the meeting the Committee agreed to move IN CAMERA to discuss a matter brought to the Committee by Alderman Christopherson with respect to Flea Markets.

Move IN CAMERA.

The Committee then moved out of the IN CAMERA session and the meeting was opened and the following recommendation was APPROVED:

Study on  
Flea Markets.

"That the Director of Local Planning be directed to expedite the Study on Flea Markets as quickly as possible".

The Committee also agreed that a Special Meeting of the Planning and Development Committee would be heard as soon as possible in order that this issue could be more thoroughly discussed.

Special Planning  
and Development  
Meeting.

The Committee then ADJOURNED to the Council Chambers to hear Zoning Applications.

Adjourn to  
Council Chambers.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 17 respecting Amended Zoning Application 88-17 for property at 373 Brunswick Avenue.

Amended Zoning  
Application 88-17 -  
373 Brunswick  
Avenue.

Report of the circularization was given as follows:

138 notices sent                      8 in favour                      3 opposed

Moved by Alderman Christopherson, seconded by Alderman Merling and carried to APPROVE the following:

(a) That APPROVAL be given to an amended Zoning Application 88-17, Wallace Joseph Guitard, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the severance of the subject lands into two single family lots for the property at No. 373 Brunswick Avenue, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (i) That the "C" (Urban Protected Residential, etc. District) regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
  - (1) That notwithstanding Section 9.(4) two single family lots having a minimum lot width of 9.1 m and minimum lot area of 278.7 m<sup>2</sup> each shall be permitted,
  - (2) That notwithstanding Section 9.(3)(ii) of Zoning By-law No. 6593, the existing dwelling shall maintain a southerly side yard of 0.17 m,
  - (3) That notwithstanding Section 18.(3)(vi)(a) the chimney of the existing dwelling shall be maintained within 0.0 m of the southerly lot line.
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1098, and that the subject lands on Zoning District Map E-99 be notated S-1098.
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-99 for presentation to City Council.
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



- (b) That the By-law not be forwarded to City Council for passage until the applicant has received final approval of a land severance through the Regional Land Division Committee.

NOTE: The purpose of this by-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District provisions for the property located at No. 373 Brunswick Avenue.

The effect of the by-law is to permit the severance of the subject lands for two single family dwellings.

In addition, the by-law provides for the following variances:

- (a) To create two building lots having a width of 9.1 m each whereas the by-law requires 12 m width.
- (b) To allow the existing dwelling to maintain existing yards.

Zoning  
Application  
88-72 - 60  
Dalhousie Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 20 respecting Zoning Application 88-72, for property at 60 Dalhousie Avenue.

Moved by Alderman Hinkley, seconded by Alderman Agostino and carried to APPROVE the following:

- (A) That Zoning Application 88-72, Dan and Doreen Slavic, owners, requesting a change in zoning from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at No. 60 Dalhousie Avenue, BE DENIED for the following reasons:
- (a) The proposal represents an undesirable extension of the "H" (Community Shopping and Commercial, etc.) District into an established residential area, and as such, would establish a precedent and set the stage for future similar applications for properties adjacent to commercial development fronting along Ottawa Street North;
- (b) The subject vacant parcel of land (9.14 m (30.0 ft.) x 24.38 m (80 ft.), 222.96 m<sup>2</sup> (2,400 sq. ft.)) is considered too small to permit a viable freestanding commercial development.
- (B) That APPROVAL be given to an amended Zoning Application 88-72, Dan and Doreen Slavic, owners, for change in zoning from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District for property located on No. 60 Dalhousie Avenue, as shown on the attached map marked as APPENDIX "C", on the following basis:
- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1986 to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit development of the subject lands until such time as a site plan is submitted and is approved by the Planning and Development Committee for the proposed parking lot;

Removal of the holding restriction shall be conditional upon the submission and approval by the Planning and Development Committee of a site plan for the parking lot. City Council may remove the 'H' symbol and thereby give effect to the "G-3" provisions as stipulated in this By-law by enactment of an amending By-law once the site plan is approved;



- (b) That the subject lands be rezoned from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "G-3" - 'H' (Public Parking Lots) District;
- (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-43 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for a change in zoning from "D" (Urban Protected Residential One- and Two-Family Dwellings, Townhouses, etc.) District to "G-3" - 'H' (Public Parking Lots) District for property located at No. 60 Dalhousie Avenue. The amending By-law applies to the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until such time as a site plan is submitted and approved by the Planning and Development Committee for the parking lot use.

Once the site plan is approved, City Council may remove the 'H' symbol by passing an amending By-law.

The effect of this by-law is to permit a parking lot to be established on the site.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 19 respecting Zoning Application 88-74, for property at the rear of 635 Limeridge Road East.

Zoning Application  
88-74 - 635  
Limeridge Road East.

Moved by Alderman Merling, seconded by Alderman Agostino and carried to APPROVE the following recommendation:

That APPROVAL be given to Zoning Application 88-74, Mr. & Mrs. L. D'Angelo, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of No. 635 Limeridge Road East, as shown on the attached plan marked as APPENDIX "D", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-38A for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear portion of lands at No. 635 Limeridge Road East.

The effect of the By-law is to establish uniform zoning of the lands, thereby allowing for the construction of two single-family dwellings fronting onto Parkwood Crescent.

Zoning Application  
88-75 - east side  
of Upper Wentworth  
and south of  
Balharbour Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 18 respecting Zoning Application 88-75, for property on the east side of Upper Wentworth Street and south of Balharbour Drive.

Report of the circularization was given as follows:

93 notices sent      5 in favour      9 opposed

Moved by Alderman Merling, seconded by Alderman Christopherson and carried to APPROVE the following:

That APPROVAL be given to Zoning Application 88-75, Wellington Chase Inc., prospective owner, requesting changes in zoning from the "AA" (Agricultural) District to the "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District and the "RT-20" (Townhouse - Maisonette) District to permit the development of single-family, two family and townhouse dwellings, for property located on the east side of Upper Wentworth Street and south of Balharbour Drive, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the lands shown as Block "1" be rezoned from the "AA" (Agricultural) District to the "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District;
- (b) That the lands shown as Block "2" be rezoned from the "AA" (Agricultural) District to the "RT-20" (Townhouse - Maisonette) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27C and E-27D for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for changes in zoning for the lands located on the east side of Upper Wentworth Street and south of Balharbour Drive, on the following basis:

- (a) Block "1" - Change from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.
- (b) Block "2" - Change from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

The effect of the By-law is to permit the development of Block "1" for single-family and semi-detached dwellings, and Block "2" for townhouses.

Zoning  
Application 88-69  
- 1405, 1411 and  
1417 Upper James.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 18 respecting Zoning Application 88-69, for properties located at 1405, 1411 and 1417 Upper James Street.

Report of the circularization was given as follows:

37 notices sent      4 in favour      3 opposed

Discussion ensued with the Committee and the applicant on the need for a buffer between the property's application and the proposed residential area. It was agreed that the recommendation be amended to include a 15' landscape strip to abut the proposed residential use.

The Committee was in receipt of a letter of objection to the Zoning By-law and Official Plan from Dr. Robert C. Dickson, 1428 Upper James Street.

The Committee was in receipt of a letter of objection to the Zoning By-law from Mr. Robert J. Morris, 1452 Upper James Street.

It was then moved by Alderman Hinkley, seconded by Alderman Merling and carried to APPROVE the following amended recommendation:

That APPROVAL be given to Zoning Application 88-69, J. Paisley, In Trust, prospective owner, requesting changes in zoning from the "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to the "HH" (Restricted Community Shopping and Commercial, etc.) District, to permit retail commercial uses (e.g. hotel, car dealership, restaurant) for properties located at Nos. 1405, 1411 and 1417 Upper James Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "F", on the following basis:

- (a) That the amended By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed;

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "HH" provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers have been installed;

- (b) That the lands shown as Block "1" be rezoned from the "AA" (Agricultural) District to the "HH" - 'H' (Restricted Community Shopping and Commercial) District;
- (c) That the lands shown as Block "2" be rezoned from the "C" (Urban Protected Residential, etc.) District to the "HH" - 'H' (Restricted Community Shopping and Commercial) District;
- (d) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 be modified to include the following variances as special requirements:
- (i) That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24.0 m shall be provided.
  - (ii) That a minimum 3.0 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the easterly rear lot line.
  - (iii) That a minimum 4.5 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the rear 54.0 m at the southerly side lot line.
  - (iv) That a minimum 3.0 m wide landscaped area, excluding vehicular access, be provided and maintained adjacent to the Upper James Street road allowance.
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1099, and that the subject lands on Zoning District Map E-9C be notated S-1099;

- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
- (g) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 60 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of this By-law is to provide for changes in zoning for the properties located at Nos. 1405, 1411 and 1417 Upper James Street, on the following basis:

- (a) Block "1" - Change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified.
- (b) Block "2" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified.

The amending By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing an amending By-law.

The effect of the By-law is to permit development of the property for retail commercial use (e.g. hotel, car dealership, restaurant).

In addition, the By-law provides for the following modifications as special requirements:

- (a) requires a minimum 3.0 m wide landscaped area, excluding vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance;
- (b) requires a minimum 24.0 m building setback from the front lot lines;
- (c) requires a minimum 3.0 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the easterly rear lot line;
- (d) requires a minimum 4.5 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the rear 54.0 m of the southerly side lot line.

Zoning Application  
88-87 - 1375  
Upper James.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 7 respecting Zoning Application 88-87, for property at 1375 Upper James Street.

The applicants were in attendance at the meeting and asked that an amendment be made to the recommendation in order to allow their use of the existing building at this time.



It was then moved by Alderman Merling, seconded by Alderman Agostino and carried to APPROVE an amended recommendation as follows:

That APPROVAL be given to Zoning Application 88-87, Robert Ernest Smith and Joyce Marilyn Smith, owners, requesting changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit the subject lands to be used for retail and warehouse commercial uses, for property located at No. 1375 Upper James Street, as shown on the attached map marked as APPENDIX "G", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the redevelopment of the subject lands until municipal sewers are installed, but will allow the building existing at the date of passing of this by-law to be used for the "HH" (Restricted Community Shopping and Commercial) District uses;
- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District;
- (c) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District;
- (d) That the "HH" - 'H' (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands, be subject to the special requirement that:
  - (i) the uses as set-out under Section 14A(1) shall be permitted only within the building existing at the date of passing this By-law.
  - (ii) upon installation of all such municipal sewers as the City deems necessary, the 'H' symbol shall be removed by amendment to this By-law and the development of the lands comprised in Blocks 1 and 2 may proceed in accordance with the "HH" District provisions.
- (e) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be subject to the special requirement that:
  - (i) notwithstanding Section 14A(1)(C) and Section 14(1)(xvii), the storage of goods to be manufactured, assembled or sold may occupy a maximum of 50% of the floor area.
  - (ii) notwithstanding Section 14A(3)(a), a front yard of a depth of at least 24.0 m shall be required.
  - (iii) a minimum 3.0 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the easterly rear property line.
- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1100, and that the subject lands on Zoning District Map E-9C be notated S-1100;

- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
- (h) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 60 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of this By-law is to provide for changes in zoning for property located at No. 1375 Upper James Street on the following basis:

- (a) Block "1" - Change from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified;
- (b) Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified;

The amending by-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the redevelopment of the lands until municipal sewers are installed, but will allow the building existing at the date of passing of this by-law to be used for the "HH" (Restricted Community Shopping and Commercial) District uses. Once the sewers are available, City Council may remove the 'H' symbol by passing an amending By-law.

The effect of this by-law is to permit the use of the subject lands for retail and warehouse commercial uses.

In addition, the by-law provides for the following variances as special requirements:

- (a) under the "HH" - 'H' District provisions, to permit the "HH" (Restricted Community Shopping and Commercial) District uses within the building existing at the date of passing of this by-law;
- (b) under the "HH" District provisions, to permit the storage of goods to occupy a maximum of 50% of the floor area which may be used for storage purposes whereas 25% is currently permitted;
- (c) to require a minimum 3.0 m wide landscape strip and visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the easterly rear lot line;
- (d) to require a minimum 24.0 m building setback from the front lot line for any new buildings or structures.

Zoning Application  
88-58 - 101  
Dartnall Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 17 respecting Zoning Application 88-58, for property at 101 Dartnall Road.

The applicant requested that stairway construction be part of the recommendation and it was indicated to him that this is included.

It was then moved by Alderman Hinkley, seconded by Alderman Christopherson and carried to APPROVE the following recommendation:

- (A) That Zoning Application 88-58, Glanbrook Stairs and Woodworking Ltd., owner, requesting a change in zoning from "M-13" (Prestige Industrial) District to "M-14" (Prestige Industrial) District to permit the construction of an industrial building for the manufacturing of wood products, for the property located at No. 101 Dartnall Road, as shown on the attached map marked as APPENDIX "H", BE DENIED as submitted for the following reason:

- (a) The subject lands are in close proximity to an open space corridor. Lands abutting this corridor are zoned by "M-13"; which limits the types of industrial uses permitted so as to minimize any negative impacts on the open space areas. The uses were agreed upon by both City Council and Conservation Authority. As such, an "M-14" district is an inappropriate district since it allows for a wide variety of industrial uses, some of which would not be as compatible with the open space lands.

- (B) That APPROVAL be given to an amended Zoning Application requesting a modification to the "M-13" (Prestige Industrial) District provisions, for the property located at No. 101 Dartnall Road as shown on the attached map marked as APPENDIX "H", on the following basis:

- (a) That the "M-13" District regulations as contained in Section 17 Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17E(1)(d) the following additional industrial uses shall be permitted:

<u>S. I. C. Identification #</u>		<u>Industrial Uses</u>
1.	2542	Wooden kitchen cabinet and bathroom vanity industry.
2.	2543	Wooden door and window industry.
3.	2549	Other millwork industries.

NOTE: The purpose of this By-law is to provide for a modification to the "M-13" (Prestige Industrial) District provisions for the property located at No. 101 Dartnall Road.

The effect of the By-law is to permit the construction of an industrial building for the manufacturing of wood products (i.e. stairs, doors, trim, cabinets and general millwork).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 18 respecting Zoning Application 88-67, for property at 694 Pritchard Road and 1565 Rymal Road East.

Mr. Rodger Glover, owner of property on the south side of Glover and Pritchard Road questioned the designation of the area. He expressed concerns at the impact this application will have to his property.

General discussion ensued with the applicant on this matter and the Committee then agreed that this application BE TABLED in order that the applicant can discuss his application more thoroughly with staff. It was also agreed that Mr. Rodger Glover, will also be contacting the Planning Department with respect to his concerns in this matter.

Zoning Application  
88-67 - 694  
Pritchard Road and  
1565 Rymal Road  
East.

TABLED.



Zoning Application  
87-121 - 181  
Victoria  
Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 18 respecting Zoning Application 87-121, for property located at 181 Victoria Avenue South.

It was indicated to the Committee that this matter had been tabled at a meeting on 1988 September 28 in order for an opportunity for discussion between all parties to take place. Alderman McCulloch had indicated that this had occurred and it was then moved by Alderman Merling, seconded by Alderman Christopherson and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to Zoning Application 87-121, Ortega Properties Ltd., prospective owner, requesting a change in zoning from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, for property located at No. 181 Victoria Avenue South, as shown on the attached map marked as APPENDIX "I", on the following basis:
  - (i) That the subject lands be rezoned from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
  - (ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - (1) That notwithstanding Section 11.(1)(iii) a multiple dwelling having a maximum of only 46 dwelling units shall be permitted.
    - (2) That notwithstanding Section 11.(3)(i)(b) a minimum front yard depth of at least 6.5 m shall be provided along Victoria Avenue.
    - (3) That notwithstanding Section 11.(3)(ii)(b) no residential building shall be located less than 15.0 m from the southerly side lot line.
    - (4) That a berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 m above the top of rail shall be erected and maintained on the property parallel to the CP Rail right-of-way. The berm portion shall have a minimum height of 2.0 m above top of rail.
    - (5) That a 1.8 m high chain link fence shall be erected and maintained along the boundary of the southerly side lot line.
    - (6) That no vehicular ingress or egress shall be permitted from Victoria Avenue South.
  - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1102, and that the subject lands on Zoning District Map E-14 be notated S-1102;
  - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council.
  - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



- (b) That the approved Site Plan be registered on title.

NOTE: The purpose of the By-law is to provide for a change in zoning from the "L-mr-2" (Planned Development - Multiple Residential) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at No. 181 Victoria Avenue South.

The effect of the By-law is to permit the construction of an 8 storey - 46 unit apartment building.

In addition, the By-law provides for the following variances as special requirements:

- (a) That a multiple dwelling having a maximum of only 46 dwelling units shall be permitted.
- (b) That a minimum front yard depth of 6.5 m shall be provided along Victoria Avenue South, whereas 12.0 m is required.
- (c) That no residential building shall be located less than 15.0 m from the southerly side lot line.
- (d) That a berm or combination berm and noise attenuation fence, having a total height of not less than 4.0 m above the top of rail be erected and maintained on the property parallel to the CP Rail right-of-way. The berm portion shall have a minimum height of 2.0 m above top of rail.
- (e) That a 1.8 m high chain link fence shall be erected and maintained along the boundary of the southerly side lot line.
- (f) To prohibit vehicular ingress and egress from Victoria Avenue South.

The Committee was in receipt of an Information Report from the Building Commissioner dated 1988 October 11 respecting the funds required and staff to be provided in order to carry out the recommendation of the Licence Committee with respect to Establishment Licences.

The Committee was reminded that they had been in receipt of a recommendation from the Licence Committee at their meeting held 1988 September 28. At that meeting the Committee agreed that this matter be tabled in order that a report be obtained from the Building Commissioner.

The Committee reviewed the report of the Building Commissioner with respect to this matter and APPROVED the following recommendation:

"That the Building Commissioner be directed to include the funding for inspection of Establishment Licences in their 1989 Budget Request".

Inspections  
re: Establishment  
Licences.

O.P.A. 62 -  
Hamilton Beach  
and  
Confederation Park.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 18 respecting Official Plan Amendment No. 62 - Hamilton Beach and Confederation Park.

Several persons from the Beach community were in attendance for information purposes. The recommendation was explained to them and they had no opposition to it.

The Committee then APPROVED the following recommendation:

- (a) That Official Plan Amendment No. 62 - Hamilton Beach and Confederation Park attached hereto and marked APPENDIX "A", BE ADOPTED;
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law of Adoption for the above-mentioned Amendment;
- (c) That the City Clerk BE AUTHORIZED to submit the above-mentioned Amendment to the Hamilton-Wentworth Council for final approval once the By-law of Adoption is passed by the City.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved.

ALDERMAN W. McCULLOCH  
ACTING CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1988 October 26

Wednesday, 1988 November 2  
9:30 o'clock a.m.  
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman  
Alderman D. Ross, Vice-Chairman  
Alderman D. Christopherson  
Alderman T. Cooke  
Alderman W. McCulloch  
Alderman D. Agostino  
Alderman B. Hinkley  
Alderman H. Merling

Regrets: Mayor Robert M. Morrow - Civic Business

Also present: Mr. L. Sage, Chief Administrative Officer  
Mr. V. Abraham, Director of Local Planning  
Mr. K. Rouff, City Solicitor  
Mr. P. Hooker, City Solicitor's Office  
Mr. R. Karl, Traffic Department  
Mr. L. King, Building Department  
Mr. B. Allick, Building Department  
Mr. S. Dembe, Licence Administer  
Mr. K. Avery, Deputy City Clerk  
Mr. P. Eker, former Employee and former Acting City  
Solicitor  
Mrs. Susan K. Reeder, Secretary

The Committee agreed to stay in open session initially in order to see how the debate proceeded.

Open Session.

Alderman Christopherson outlined the issue being considered by the Planning and Development Committee at this Special Meeting with respect to the History and Current Status surrounding the Hamilton Licencing By-law 87-234 respecting Flea Markets.

Outline on the Issue.

He indicated that he had concerns that the Licence for a Flea Market issued to Dallas/Leisure Place, Flea Market by staff was in contravention of the City's Flea Market By-laws, specifically with respect to the distance separation.

Considerable discussion ensued on how this questionable section was included in the By-law.

Mr. P. Eker, former Employee and former Acting City Solicitor spoke to the Committee on the history of events surrounding the issue and made comments on questions posed to him on "Political Pressure".

Considerable discussion ensued on the whether the Legislation Committee was advised that the Section of the By-law respecting distance separation was questionable. Some discussion also ensued on whether negotiations had been conducted with Queen's Park and Cabinet on this issue.

At this point the Committee agreed that they would move IN CAMERA to discuss matters of a private and confidential nature.

IN CAMERA.

The meeting then moved out of IN CAMERA session and into public session and it was moved by Alderman McCulloch, seconded by Alderman Christopherson and carried:

Open Session.

"That all matters respecting the Licencing issue respecting Hamilton Licencing By-law 87-234, respecting Flea Markets BE REFERRED to the City's Legislation Committee for appropriate action".

The Committee was advised that the Planning and Development Committee at their meeting held Wednesday, 1988 October 26 directed that the Director of Local Planning expedite the Study on Flea Markets as quickly as possible.

Study on Flea Markets.

The Director of Local Planning advised the Committee that he will be recommending areas to be allowable for the establishment of Flea Markets rather than distance requirements.

Authorization of  
Public Meeting.

It was then moved by Alderman McCulloch, seconded by Alderman Cooke and carried that authorization be given to hold a Public meeting to be held as soon as possible in order to review the Planning Department's study on this issue with the goal of having controls placed in the Zoning By-law with respect to the establishments of Flea Markets.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1988 November 2



2.

**FOR ACTION**

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: November 23, 1988

COMM. FILE:

DEPT. FILE:

SUBJECT:

DEMOLITION

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties: -

- A. 1556 Upper Gage Avenue
- B. 956 Rymal Road East
- C. 1415 Upper Gage Avenue
- D. 411 Sherman Avenue North
- E. 138 Stapleton Avenue

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

# DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING


[illegible]

## DEMOLITION CONTROL.

**CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED**

DATE: November 22, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	411 Sherman Ave. N.	S.F.D.	Alpha Enclave West	20.00 X 190.00	City of Hamilton	"K"	It is recommended that Committee approve demolition.



P.C. Lampman, P. Eng.  
Manager Plan Examination





Corporation of the City of Hamilton

Memorandum

\*\*\*\*\*

TO: Mr. T. Bradley  
Manager of Purchasing

YOUR F

FROM: Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

OUR FILE:  
PHONE: 525-2753  
DATE: Nov. 24, 1988

SUBJECT: Supply, Delivery and Installation Supervision of Clock Tower, Jarvis  
Street Square

Please be advised that the Planning and Development Committee at its meeting held Wednesday 1988 November 9, tabled the above noted recommendation.

The Committee agreed that drawings of this clock should be presented to the Committee as well as representatives of the BIA being in attendance to speak to this matter.

Would you please therefore undertake the appropriate action with respect to this matter.

*Susan K. Reeder*

c.c.: Mr. E. Kowalski  
Director of Community Development  
Attention: Ms. J. McNeilly

## FOR ACTION

REPORT TO: MRS. S. K. REEDER, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER  
PURCHASING

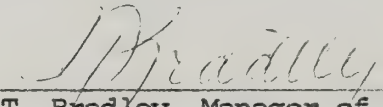
DATE: 1988 November 4  
COMM FILE:  
DEPT FILE:

SUBJECT: SUPPLY, DELIVERY AND INSTALLATION SUPERVISION OF CLOCK TOWER, JARVIS  
STREET SQUARE

### RECOMMENDATION

That a purchase order be issued to The I.T. Verdin Company, Thornhill, in the amount of \$149,968 plus 8% Provincial Sales Tax, for the supply, delivery and installation supervision of Clock Tower, Jarvis Street Square in accordance with specifications issued by Moorehead Fleming Corban & Partners and Vendor's tender.

NOTE: Lowest of three (3) tenders received. Funds provided in Downtown Hamilton Action Plan, Phase IV, Jarvis Street Square Clock Tower Account #04075-A94015.

  
\_\_\_\_\_  
T. Bradley, Manager of Purchasing

### FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

See above RECOMMENDATION

### BACKGROUND-Tender Analysis

The I. T. Verdin Company, Thornhill	\$161,965.44
Excellent Signs & Displays (1983) Inc., London	260,632.00
Trystan, a Div. of Date Industries Ltd., Ayr	127,008 *

\* - Does not meet specifications in three major areas.

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski  
Director

DATE: 1988 November 23  
COMM FILE:  
DEPT FILE: 800-0300.10  
800-MNPH-1.1  
800-MNPH-87-1C

SUBJECT: City of Hamilton's Handicapped Programme - Installation  
of Chair-lift for the Wentworth Street School Site.

RECOMMENDATION:

That a grant in the amount of eighteen thousand and fifty-four dollars (\$18 054.) be provided by the City of Hamilton to the Municipal Non-Profit (Hamilton) Housing Corporation for the installation of a chair-lift for the Wentworth Street School Site.

The cost of this grant will be financed from the City of Hamilton's Handicapped Programme Account # 7101.

*E. Kowalski*

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Municipal Non-Profit (Hamilton) Housing Corporation is now required, by the Province of Ontario, to provide handicap accessibility features for all new projects. In the case of the Wentworth Street School Site the requirements for accessibility were not included in the original specifications because at that time the policy had not been established. Unfortunately, the policy now applies to projects already under construction.

In the case of the Wentworth Street School Site the Municipal Non-Profit (Hamilton) Housing Corporation has already reached its limit on the Maximum Unit Price (MUP's). We attempted to have the Province increase their commitment under MUP's which they refused to do. The Ministry also refused to make the project exempt from the accessibility requirement. In addition as a City project it is felt the project should be accessible.

As the Committee is aware, a number of years ago the City established a programme with funding provided by the Municipality to provide grants to disabled owners of properties to make their properties accessible. Last year the Province of Ontario established a similar programme but included grants considerably larger. Since that time, the Department has been processing handicapped requests under the new programme and leaving the Municipal programme dormant. It was expected that the Municipal programme could be used

BACKGROUND CONT'D.....

to fill in the gaps not covered under the Provincial programme.

The Provincial programme does not cover rental properties, nor does it cover Non-Profit Corporations. At the present time the City has, in the Handicap account eighty-two thousand, four hundred and ninety-eight dollars and five cents (\$82 498.05), which is presently uncommitted. In view of the fact that providing accessibility to housing is the purpose of the fund, the Department is prepared to recommend that a grant in the amount of eighteen thousand and fifty-four dollars (\$18 054.) be provided to the Municipal Non-Profit (Hamilton) Housing Corporation from the City of Hamilton's Handicapped Programme.

The City's Contractor, Urbacore Management Limited, has provided a quote which is acceptable to the City's Architectural Consultant in the amount of eighteen thousand and fifty-four dollars (\$18 054.) including the supply and installation of a chair-lift for the Wentworth Street School Site. Additional costs for modification to the front entrance will be covered through the capital costs allocated for the project.

The Department of Community Development therefore recommends the transfer of eighteen thousand and fifty-four dollars (\$18 054.) from the City's Handicapped Programme to the Municipal Non-Profit (Hamilton) Housing Corporation for the installation of the chair-lift.

c.c. Mr. E. C. Matthews  
City Treasurer



FOR INFORMATION

5.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski  
Director

DATE: 1988 November 23  
COMM FILE:  
DEPT FILE: P.L.R. #40

SUBJECT: Provincial Low-Rise Rehabilitation Programme -  
Tour of Duke-Bold Apartments

BACKGROUND:

The Department of Community Development would like to take this opportunity to invite all members of the Planning and Development Committee to tour a major rehabilitation project being undertaken under the Provincial Low-Rise Rehabilitation Programme (P.L.R.). The scheduled time for the tour is Tuesday, December 06, 1988 at 2:00 p.m. We will be meeting prior to the tour in the Department of Community Development at 1:45 p.m. The project manager will be available to conduct the tour and answer any questions.

At the present time there are one hundred and forty five (145) units included in the project which are located in five (5) buildings close to City Hall on the eastern half of the block bounded by Duke, Bold and MacNab Street South. The site is an ideal one to tour because we have one (1) building completed, some in their original condition as well as some under construction. The Provincial Programme is providing grants of seven hundred and nine thousand, five hundred and eighty nine dollars (\$709,589) toward the rehabilitation costs which is well in excess of one million dollars (\$1,000,000).

Under the terms of the Provincial Low-Rise Rehabilitation Programme, the Department has approved, on a City wide basis, the rehabilitation of one thousand, forty two (1,042) units, at a cost of \$7.1 million, of which \$4.5 million is in the form of a Provincial Grant. The Programme requires a commitment of at least 1/3 of the costs from the owner while the Provincial contribution is limited to \$5,000 per unit. The costs are based on inspections conducted under the Property Standards By-law #74-74. The owner must agree to maintain the units as rental for fifteen (15) years and any rent increases cannot reflect Provincial grant improvements.

Please notify the Department of Community Development, Mrs. H. Milsome at 526-4649, if you wish to attend.



FOR ACTION

6.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

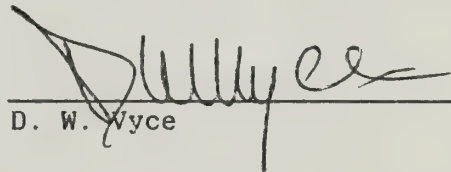
DATE: 1988 November 7  
COMM FILE:  
DEPT FILE: (4508)

NOV 9 1988

SUBJECT: Parking Agreement - 255 West Avenue North  
(West Avenue School)

RECOMMENDATION:

That the Director of Property be given authority, on behalf of the Corporation of the City of Hamilton to enter into parking permit agreements with the area residents surrounding West Avenue School.

  
D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE. STATE N/A)

The permit fee will be \$20.00 annually and credited to account #0306-0513. the number of permits not to exceed 20.

BACKGROUND:

In adopting Item 1 of the Sixth Report of the Planning & Development Committee, City Council on March 29, 1988 adopted the following recommendation:

- (a) that demolition of West Avenue School be denied,
- (b) that the Planning & Development Department be directed to initiate appropriate zoning for the property,
- (c) that the Executive Committee be requested to review the future use of the property, including interim uses,
- (d) that provision of neighbourhood parking be a critical part of any use of the property.

Subsequently on May 10, 1988 City Council approved the lease of West Avenue School to Theatre Aquarius for a three year period commencing July 1, 1988. provisions in the lease allow for:

- (a) no objection to the landlord offering overnight parking to the area residents,
- (b) to co-operate with the landlord on any parking program it desires during the lease term.

There exists a total of 29 parking spaces to the rear of the West Avenue School of which 15 have been allocated to Theatre Aquarius to be used in conjunction with the lease agreement. The remainder of the spaces (14) are available and may be used for the surrounding area residents for parking purposes only.

In conjunction with City Council's wishes to lease to the neighbours, we therefore recommend that on behalf of The Corporation of the City of Hamilton, the Director of Property be authorized to enter into permit parking agreements with the area residents. This recommendation will eliminate the necessity of presenting each agreement individually to the Planning and Development Committee and Council for formal approval and will expedite the approval process. The Authority proposed to be granted to the Director of Property herein is similar to the Authority granted to the Director of Traffic Services with respect to boulevard parking agreements.

c.c. - Alderman P. Valeriano

- Alderman B. Hinkley

- Mr. K.A. Rouff, City Solicitor

- Mr. E.C. Matthews, City Treasurer



FOR ACTION

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

7.  
DATE: 1988 November 16  
COMM FILE:  
DEPT FILE: 100.11.102  
(4505)

NOV 17 1988

SUBJECT: Purchase by the City - 393 Sherman Avenue North

RECOMMENDATION:

That an Option to Purchase the property at 393 Sherman Avenue North duly executed by Cinoke Investments Limited (Norm Plummer, President) on October 27, 1988 and scheduled to close on or before February 8, 1989 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 6.705 metres (22 feet) by a depth of 27.43 metres (90 feet) comprising an approximate area of 183.94 square metres (1,980 square feet) with structures erected thereon. The purchase price of \$50,500.00 in accordance with Schedule "A" attached, and all costs and associated expenses, including tenant moving allowances, to be charged to account #0408-W75266. Demolition is to take place upon closing.

  
D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND:

In accordance with City Council's instructions (Item 27, July 28, 1987 to acquire the properties in the Alpha Enclave West, we enclose herewith an Option to Purchase agreement for 393 Sherman Avenue North in the amount of \$50,500.00.

Attach.

c.c. - Mr. K.A. Rouff, City Solicitor  
- Mr. E.C. Matthews, City Treasurer  
- Mr. M. Chidley, Regional Surveyor  
- Mr. R. Swan, Manager, Property Maintenance Division  
- Mr. P. Kuppe, Building Commissioner  
Attention: Monica German

SCHEDULE "A"

PROPERTY  
393 Sherman Avenue North  
Hamilton, Ontario

OWNER'S INTEREST  
CINOKE INVESTMENTS LIMITED

ELEMENTS OF COMPENSATION

Market Value of Realty	\$50,000.00
Legal Fees, re: 393 Sherman Ave. N. (Mr. T. Basciano)	<u>500.00</u>
TOTAL COMPENSATION	<u>\$50,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$50,500.00 is in full and final payment of all compensation, interest and cost whatsoever, which Cinoke Investments Limited might be entitled to as a result of the purchase by The Corporation of the City of Hamilton, of the land and buildings known as 393 Sherman Avenue North, Hamilton, Ontario.

DATED at Hamilton this 27th day of October 1988.

WITNESS:

John Basciano

David A. Basciano  
CINOKE INVESTMENTS LIMITED

F O R   A C T I O N

8.

REPORT TO:    MS. S. REEDER, SECRETARY  
                  PLANNING AND DEVELOPMENT COMMITTEE

FROM:            G. S. SPENCER,  
                  COMMISSIONER OF ENGINEERING

DATE:    October 27, 1988  
COMM FILE:  
DEPT FILE:    S713-200  
I.D. #0244D (70)

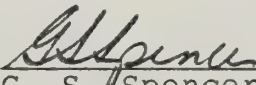
SUBJECT:

OCT 31 1988

Mohawk Gardens (Phase 3, Stage 1)  
Final Lot Grading

RECOMMENDATION

That consideration be given to take no action to enforce the original grading plan in Mohawk Gardens (Phase 3, Stage 1) Subdivision's Agreement between the City and 585633 Ontario Inc., dated July 10, 1984.

  
\_\_\_\_\_  
G. S. Spencer  
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Mohawk Garden (Phase 3, Stage 1) is a registered plan of subdivision, which was developed in 1984 and 1985. Attached is a copy of the plan.

All grading in the subdivision has been completed satisfactorily, except Lot 16.

This lot was originally graded in general conformity with the approved grading plan. However, while the original plan envisioned steep slope at the east portion at the lot with a fairly level back yard behind the house, the steep slope was omitted, and the lot slopes on a straight line from the rear line towards the house.

Cont'd...

Mohawk Gardens (Phase 3, Stage 1)  
Final Lot Grading

Cont'd...

The original grading plan between Lots 15 and 16 also envisioned a drainage swale along the common property line between lots 15 and 16. According to the consultants, this swale was originally constructed in general conformity with the plan. However, the owner of Lot 16 subsequently restricted the flow between lots 15 and 16 by damming the swale and placing a perforated pipe along the side. This apparently causes the run-off during very wet weather to be channelled partly toward his house.

The owner of lot 16, Mr. Stuermer, claims that, due to the uninterrupted slope in his back yard, the run-off is moving across his land much more rapidly than it would, had the back yard been graded exactly according to the approved grading plan. He claims that, as a consequence, he was forced to partly dam the flow between lots 15 and 16 on his property, to prevent the complete erosion of that swale.

Staff has explained to Mr. Stuermer that, since he altered the grading on his land without previous approval by the City, he is responsible for the consequences.

It is the staff's opinion that since the subdivision was originally graded in general accordance with the approved grading plan, the grading problem was created by the owner of lot 16. It is, therefore, suggested that your Committee may wish to stop any further action in this matter.

FAR:tlj









FOR ACTION

9.

REPORT TO: Mrs. Susan Reeder, Secretary  
Planning and Development Committee

FROM: Miss C. Coutts, Secretary  
Local Architectural Conservation  
Advisory Committee

DATE: 1988 November 8  
COMM FILE:  
DEPT FILE: 226-0001

SUBJECT: CONTINUED FUNDING FOR HERITAGE CANADA PROGRAMS

RECOMMENDATION:

That City Council send a letter to the Right Honourable Brian Mulroney, Prime Minister of Canada, with copies to the Hamilton Area Members of Parliament, requesting that the Federal Government provide funding for the continuation of Heritage Canada's Main Street Program and for the development of new programs which encourage downtown revitalization, heritage conservation and heritage tourism.

*C. Coutts*

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Funding for Main Street Canada, a program of the Ontario Heritage Foundation "dedicated to both the economic and architectural revival of downtown Canada" is scheduled to terminate in 1991. By that time, over 70 communities across the country will have benefited from this program.

Heritage Canada is asking for support from all municipalities which have participated in the Main Street Program, both for its continuation and for new initiatives such as the two proposed (Regional Heritage Tourism and the Canadian Centre for Livable Places). The Ottawa Street B.I.A. joined the Main Street Canada Program in 1987. (Attached as Appendix A is the description of the proposed revitalization scheme).



# On Textile Alley

*Bringing back Hamilton's Ottawa Street*

**Y**ou find Ottawa Street in Hamilton's roll-up-your-sleeves East End, not far from the Lake Ontario docks and the industrial giants Dofasco, and Stelco. Ottawa Street, which runs from just north of Barton Street six blocks south to Main Street, was once the heart of the East End: you'd go there to bet on the Eastview Racetrack ponies, have a drink at the Jockey Club, take in a movie at the Avon, and get a bite to eat at Ward's Restaurant. In recent decades, however, Ottawa Street fell on tough times. The racetrack closed in 1953 and was replaced by the Hamilton Centre Mall, a 70-store plaza which attracted trade away from the traditional thoroughfare. About the same time, transportation to the heart of Hamilton improved, thereby encouraging East Enders to spend more of their money in the city centre.

In recent years, the street (neighbourhood population: 12,762) has attempted various comebacks. In the 1960s, the mid-'70s, and the early '80s business associations sputtered into life then quickly faded. In 1984, however, things changed. Merchant representatives met with city hall officials to discuss establishing an Ottawa Street Business Improvement Area. On December 10, 1985, the street was designated one of Hamilton's seven B.I.A.s. In February, 1986 Diane Morris was hired as its manager. In 1987, after a visit from Main Street Canada's Stephen Lauer, the area joined the Main Street Canada programme. The programme emphasizes a storefront office, a full-time co-ordinator, and a four-point strategy of organization, marketing, commercial development, and design. By all these yardsticks, the street, it appears, is about to make an impressive comeback. MAIN STREET recently talked to Diane Morris to get her assessment of how things are going. Excerpts:

## WE'RE GETTING ORGANIZED

"Mayor Robert Morrow and city council are supporters of the revitalization plans. (Four council members - Pat Valevriano, Brian Hinkley, Geraldine Copps, and David Christopher - live in the two districts through which the street passes.) There is also co-

operation from the Community Renewal Branch's Ed Kowalski, Jacqueline McNeilly, and Sylvia Renshaw. Most encouraging, there is enthusiastic support from the street's 148 businesses (85% of which are retail outlets). People here want this plan to succeed. They are friends. They are supporting one another."

## WE WANT OUR LOOK

"Design is something we are beginning to work on. In the past year, plans were set to enhance the municipal parking lot with benches and flowerpots. This year, attention will turn to sidewalk improvements. Where attention will not be directed is at one consultant's proposal to clog Ottawa

## COMMERCIAL DEVELOPMENT IS A PRIORITY

"In the past, the idea was: if there's a vacancy, try to fill it. After taking the Main Street Canada course I now see that the right approach is to determine what the street really needs and bring in the right businesses to complement the already-existing mix. What businesses are pursued is determined by an inventory, a survey and, to some degree, by a promotion decision."

## HOW DO WE MARKET THE STREET?

"The street undertakes the kinds of promotions common to many revitalization schemes: night owl sales, sidewalk festivals, Christmas promotions. But there is an interesting twist on Ottawa Street that affects a major promotion decision. In the 1920s and '30s, low rents attracted numerous furniture outlets to the street. A few decades later, the furniture business gave way to textiles, an industry which still dominates."

"Today, if you walk Ottawa Street's six blocks you find Montreal Textile Fabric Mart, Montreal Textile Bargain Centre, Fabricland, K & K Textiles, Consumer Textiles, Marina's Fabrics, European Textiles, the Textile Centre, Discount Fabric Mart, Ottawa Textiles, Joan's Trim and Laces, and Court Jester. This conglomeration, heaven to seekers of just the right fabric, notion, or lace, attracts not only Hamiltonians but also day-trippers from as far away as Cambridge, London, and New York State. The promotion question: Do you

promote the street's textile attractions, confident that there will be business spill-over to the other parts of the street? Or, do you promote the textiles and the other street attractions equally? Whatever decision is made, one thing is certain: this lucky area has plenty of marketing options. And that's good, for a busy Ottawa Street is sure to enhance Hamilton's heritage fabric."

For more information: Diane Morris, Manager, Ottawa Street Business Improvement Area, 326 1/2 Ottawa Street North, Hamilton, Ontario, L8H 4A1. (416) 544-5822.



Town Crier Jim Green proclaims Hamilton's Ottawa Street as a new member of the Main Street network.

Street's sidewalks with furniture that would make it look like everyone else's revitalized street. We want sidewalks you can walk on. Ottawa Street is bracketed by two-storey red-brick buildings, some of which have delightful facades hidden by aluminum siding and signs. As members of a B.I.A., building owners can take a Hamilton Facade Loan which offers up to \$15,000 at half the prime rate amortized over 10 years. One impediment to quick facade improvements: most of the street's buildings are owned by absentee landlords. Our plan is to get the owners, lessees, and city designers together to plan facade improvements."



FOR ACTION

10.

REPORT TO: Mrs. S. Reeder, Secretary  
Planning and Development Committee

FROM: Miss C. Coutts, Secretary  
Local Architectural Conservation  
Advisory Committee

DATE: 1988 November 8  
COMM FILE:  
DEPT FILE: 226-0001

SUBJECT: DESIGNATION OF LA SALLE PARK PAVILION, BURLINGTON

RECOMMENDATION:

- a) That the City of Hamilton, as owner of La Salle Park, located on North Shore Boulevard, Burlington, request the City of Burlington to designate the building known as the La Salle Park Pavilion, under Part IV of the Ontario Heritage Act.
- b) That the City Solicitor and City Clerk be authorized and directed to take appropriate action to implement this request.

**Note:** Because the building is located within the City of Burlington, the designation procedure is the responsibility of the Burlington City Council.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

C. ConA

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1988 September 26 agreed that the La Salle Park Pavilion was worthy of designation.

The Pavilion, built on 1917 March 24, was a combination dancing pavilion and picnic area which is a rarity for Hamilton park structures. Most structures, apart from the Gage Park Bandshell, usually serve as service buildings incorporating changing facilities, showers and lockers.

La Salle Park, formerly Wabasso park was purchased for \$52,673.00 in 1913 from Mr. P.W. Brown.

The site of La Salle Park is supposed to be the landing point for Sieur de La Salle, an early explorer. A memorial stone commemorating this event was erected on 1922 July 17 and Wabasso Park was renamed La Salle Park in 1926.

In 1928, the management of the Park was turned over to Mr. Maurice L. Smith on a ten-year lease on which to operate an amusement park.

The main architectural features are its rectangular dimensions with a verandah set between two arcaded pavilions (one open and one which was formerly glazed and is now closed) which are decorated with pilasters. The central dormer has a mansard roof and formerly had five bays with three six-paned casement windows in each bay (these windows are no longer in place but have been bricked over).

LACAC feels that this building is worthy of designations and once designated, the building becomes eligible for heritage funding.

## HAMILTON LACAC -- HERITAGE RESEARCH FORM

Date: 10/88

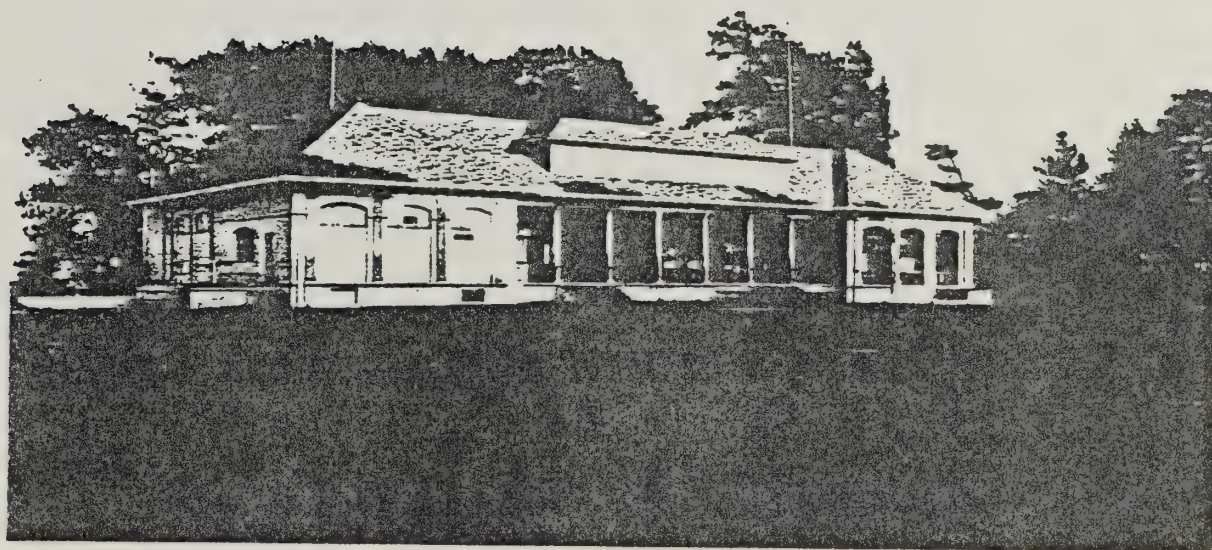
Name(s) and Address of Property: LaSalle Park Pavillion

North Shore Boulevard, Burlington

Present Owner(s): City of Hamilton

Present Occupant(s): City of Burlington - maintains the park and is responsible for upkeep. Rent \$1.00/year.

Present Use: Park with various facilities including the pavilion which now houses the concession stand, picnic tables in the open & arcade area and washrooms.



Date of Construction: March 24, 1917 (minutes of Park Board)

Architect and/or Builder:

Original Owner(s): City of Hamilton

Original Occupant(s): City of Hamilton

Plan and Lot Number:

Heritage Status:





FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE: 1988 NOVEMBER 2  
COMM FILE:  
DEPT FILES: SA-88-13  
25T-88020

SUBJECT

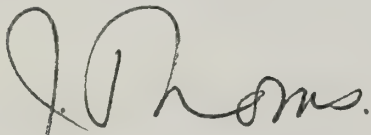
Proposed Draft Plan of Subdivision "South Hill".

RECOMMENDATION

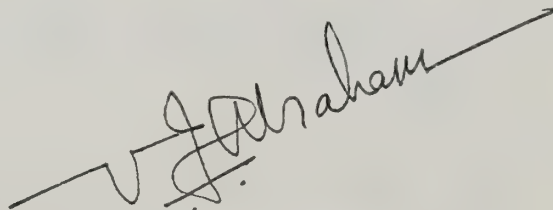
- a) That this draft plan of subdivision not receive draft approval before an appropriate amendment to the Hamilton Official Plan is approved by Hamilton-Wentworth Regional Council.
- b) That approval be given to Application SA-88-13, Wardpark Developments Ltd., owner, to establish a draft plan of subdivision south of Rymal Road and west of Christie Street, subject to the following conditions:
  1. That this approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated May 18, 1988, revised to show 69 lots, 2 blocks (Blocks "70" and "71") as 0.3m reserves and a 2.0m x 2.0m daylight triangle.
  2. That the plan not receive final approval before a road access is established to this plan of subdivision and the storm and sanitary sewer system as well as municipal water services are available to service this plan of subdivision.
  3. That the streets be dedicated as public highways on the final plan.
  4. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  5. That the final plan conform with the Zoning By-law approved under The Planning Act.
  6. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

7. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  8. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  9. That the dead-ends and open side of the road allowances (Blocks "17" and "18" inclusive) created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowances or for the development of abutting lands.
  10. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- c) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-13), Wardpark Developments Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Respectfully submitted,



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development



V. J. Abraham, M.C.I.P.  
Director  
Local Planning

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

##### Owner

Wardpark Developments Limited, Hamilton, Ontario

Surveyor

Ashenhurst Nouwens Limited, Hamilton, Ontario

Location

The lands, comprising 4.0 ha, are located south of Rymal Road and west of Christie Street in the Kennedy East Neighbourhood, City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 69 lots for single-family dwellings. The minimum lot size proposed has a width of 12m and an approximate area of 360m<sup>2</sup>.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Institutional" and "Open Space". "Institutional" permits residential uses but residential uses are not permitted in the "Open Space" designation. The proposal does not comply with the Official Plan and requires an amendment.

Neighbourhood Plan - the lands are designated "Residential - attached housing, single and double". The proposal complies.

Zoning - the lands are presently zoned "AA" (Agricultural) District which will require a by-law amendment to rezone the lands to a suitable residential district.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Municipal Affairs;
- o Ministry of Transportation;
- o Ministry of the Environment (subject to standard noise conditions for Lots 1 to 11 inclusive);
- o Ministry of Natural Resources;
- o Ministry of Culture and Communications (subject to standard conditions);
- o Hamilton Region Conservation Authority;

- o Ontario Hydro, Union Gas, Bell Telephone,
- o City of Hamilton Board of Education;
- o Hamilton-Wentworth Separate School Board;
- o City Traffic Department;
- o City Building Department (subject to appropriate rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1. It is recommended that the road allowance horizontal curves adjacent to Lots 38, 39, 40 and 41 be established to a minimum centreline radius of 110m. This should be coordinated with the Abbey Hill Farm - Phase 2 development to the east.
2. It is also recommended that the centre line radius adjacent to Lots 1 to 7 and 64 to 69 be established at 110m minimum. This should also be coordinated with the Abbey Hill Farm - Phase 2 development to the east.
3. Court "D" must be established at a width of 20m, with a 15m radius in the cul-de-sac, and 9m radius transitions into the cul-de-sac.
4. A 2m x 2m daylight triangle is required on Lot 54.
5. It is recommended that this plan not be given final approval until such time that a permanent access to this subdivision can be established, either through Abbey Hill Farm - Phase 2 or through lands to the north, as provided for by streets as outlined in the approved Kennedy East Neighbourhood Plan.
6. It is recommended that the location of Street "A" at Rymal Road be co-ordinated with the owners of the lands to the north so as to minimize the number of lots which will front Rymal Road.
7. The submitted plan, as prepared by John P. Nouwens, O.L.S. and dated May 24, 1988, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

For Your Information:

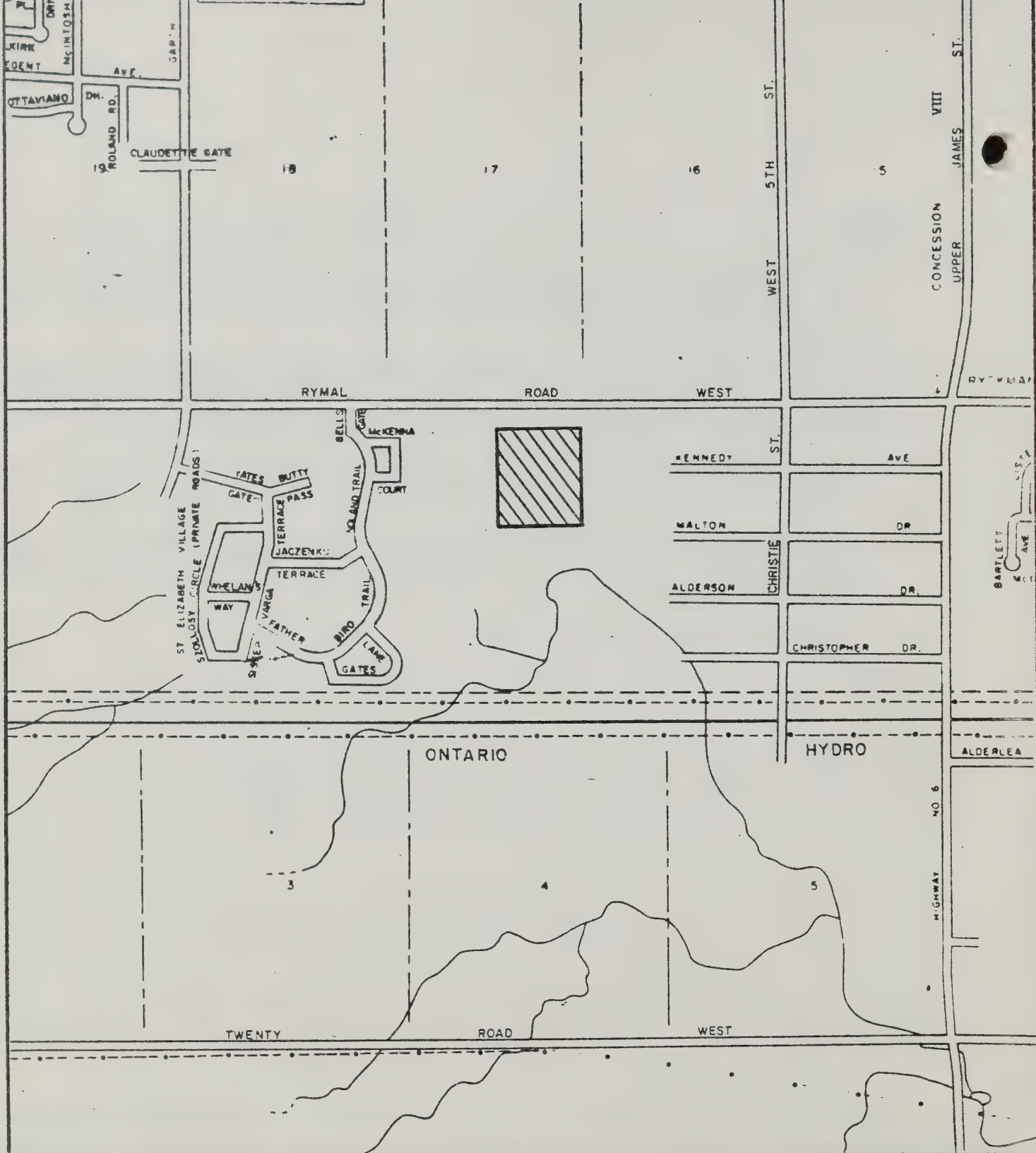
1. The proposed development must await the extension of the municipal storm and sanitary sewer system from the east to the east limit of the subdivision.
2. The proposed development cannot be serviced for water until development proceeds from the north or the east to the northern or eastern limit of the subdivision, respectively."



COMMENTS

1. The conformity of the proposal with the Hamilton-Wentworth Official Plan and the need for an amendment to the Hamilton Official Plan and to the zoning by-law is noted.
2. As the lands do not form part of a "park and recreational" site on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. Minor "red-line" revisions to the plan are required to implement the recommendations of the Department of Engineering.
4. The requirements of the commenting agencies can be implemented through the conditions of draft approval to be established by the Regional Municipality.

JLS/jd



Location Plan For

SOUTH HILL

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

N.T.S.

Date

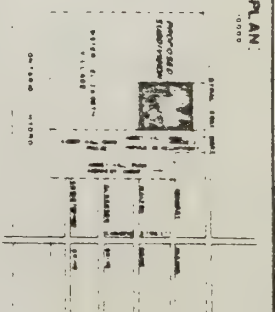
JULY 5, 1988

Reference File

25T-88020

Drawing No.

## KEY PLAN



**METRIC NOTE**

DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND BE  
CONVERTED TO FEET BY DIVIDING BY 0.3048

## OWNER'S CERTIFICATE

THE MICROBUZZ WITH THE COUNCIL OF THE PLANNING ACT 1988  
WAS RECENTLY AUTHORIZED AND APPROVED FOR THE USE OF THE  
THE USE OF THE COUNCIL OF THE PLANNING ACT 1988  
OF THE COUNCIL OF THE PLANNING ACT 1988.

Wm L. B. Co.

DATE 12/28/88 FROM LA 441A  
TO BARBADIA - SECRETARY

**SURVEYOR'S CERTIFICATE**

1. THESEY CERTIFY THAT THE FURNISHING OF THE LAMPS TO BE SUBMITTED ARE ACCURATELY AND COMPLETELY IN ACCORD

DATE *May 27/28*  
LOVELL B. HOLWINS

SCHEDULE RE: SECTION 50 (2)

- |   |            |   |             |
|---|------------|---|-------------|
| A | 3-14-10-10 | B | 31-13-10-10 |
| C | 3-14-10-10 | D | 31-13-10-10 |
| E | 3-14-10-10 | F | 31-13-10-10 |
| G | 3-14-10-10 | H | 31-13-10-10 |

RECEIVED TO THE ATTORNEY GENERAL  
TO THE SECRETARY OF THE TREASURY

ON APT PLAIN OR  
SOUTH HILL

LOT 4 CONCESSION

CITY OF HAMILTON

JOHN P. HOLWYN, 019-1988

[illegible]

ASHENHURST NOUWENS LIMITED  
PROFESSIONAL ENGINEERS (CONSULTING) AND SURVEYORS

[illegible]

<p>             M-10 820-8210              M-10 820-8714           </p>	<p>             JORDAN 81A PTN, ONTARIO (198-198)              M-10 820-8715           </p>
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25T - EMOLO (Revised) 5A-SP-13





FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

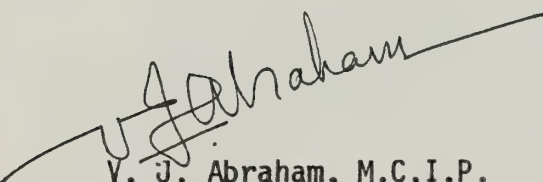
DATE: 1988 November 21  
COMM FILE:  
DEPT. FILE: P5-2-50

SUBJECT:

Requested walkway closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

RECOMMENDATION

That owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the requested closure of the walkway.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Transport and Environment Committee requested the initiation of the closure of the walkway as shown on the attached map. Since the closure involves a neighbourhood plan amendment, a public meeting is warranted to discuss the change.

ANALYSIS

The walkway has been shown on the Gilkson Neighbourhood Plan since it was approved in 1969.

The walk was constructed in 1972 to provide access to schools and a park, located in the centre of the neighbourhood, and to Stone Church Road.

The loss of the direct link will result in increased walking time and inconvenience to the area residents, especially to destinations such as the two schools, park, Stone Church Road and to public transit routes.

In general, walkways are important planning features which provide for convenient and safe pedestrian movements within a neighbourhood.

### CONCLUSION

The requested walkway closure should be subject to a public meeting.

GG/dkp

WP 0021P







FOR ACTION

13.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 9  
COMM FILE:  
DEPT. FILE: ZA-88-83  
Gourley  
Neighbourhood

SUBJECT:

Request for a change in zoning - No. 120 Stone Church Road West.

RECOMMENDATION

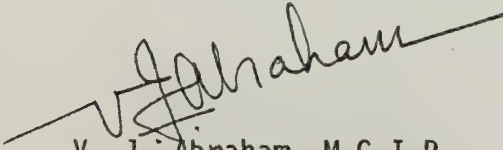
That approval be given to Zoning Application 88-83, Irene Lovell, owner, requesting a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District, to permit the creation of a single-family dwelling building lot, for property located at No. 120 Stone Church Road West as shown on the attached map marked as APPENDIX "A", on the following basis:

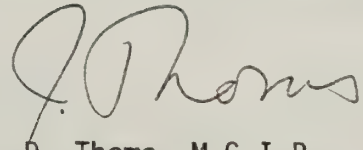
- i) That the subject lands be rezoned from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District, for property located at No. 120 Stone Church Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to allow for the severing of the subject property into two lots, thereby facilitating the creation of a single-family dwelling building lot.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### ● Land Severance

At its meeting of September 13, 1988 the Land Division Committee approved Application No. H-149-88 to convey a vacant lot measuring 15.24 m (50 feet) x 73.96 m (242.66 feet) for residential purposes, and to retain a lot with the same measurements which is occupied by a single-family dwelling.

The approval was granted on, among others, the condition that the applicant submit proof of final approval of any necessary change of zoning/zoning amendment, and the applicant dedicate to the Regional Municipality of Hamilton-Wentworth sufficient land for road widening purposes as requested by the Regional Engineer.

## APPLICANT

Irene Lovell, owner.

## LOT SIZE AND AREA

The subject property has approximately:

- 30.48 m (100 feet) of frontage on Stone Church Road West;
- 73.96 m (242.66 feet) of lot depth; and
- 2,254 m<sup>2</sup> (24,266 sq.ft.) of lot area.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Single-family dwelling.	"AA" (Agricultural) District.
<u>SURROUNDING LANDS</u>		
to the north east and west	Single-family dwellings.	"AA" (Agricultural) District, "B-1" (Suburban Agriculture and Residential, etc.) District modified, and "B" (Suburban Agriculture and Residential, etc.) District.

### SURROUNDING LANDS

to the south	Vacant and single family dwellings.	"AA" (Agricultural) District.
--------------	-------------------------------------	-------------------------------

### OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies.

### NEIGHBOURHOOD PLAN

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" in the proposed Gourley Neighbourhood Plan. The proposal would be in compliance with the Plan, if approved.

### RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - LACAC;
  - Hamilton Region Conservation Authority;
  - Building Department; and
  - Traffic Department.
- The Hamilton-Wentworth Department of Engineering has advised as follows:

"... public watermains are available to service the subject lands. Sanitary and storm sewers will be available in the very near future.

The designated road allowance width of Stone Church Road West is 30.48 m (100 ft.). We recommend as a condition of approval, that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centre line of the original road allowance. It appears that a road widening of 3.048 m (10 ft) was previously acquired from the subject lands by Instrument No. 100848 H.L.

Any work within the Stone Church Road road allowance as widened, must conform to the Region's Roads Use By-law.

Access culverts may be required and this will be determined at such time as the application for an Access is made. Comments from the Traffic Department should be taken into consideration regarding the design."

### COMMENTS

1. The proposal complies with the intent of the Official Plan, and the proposed Gourley Neighbourhood Plan.

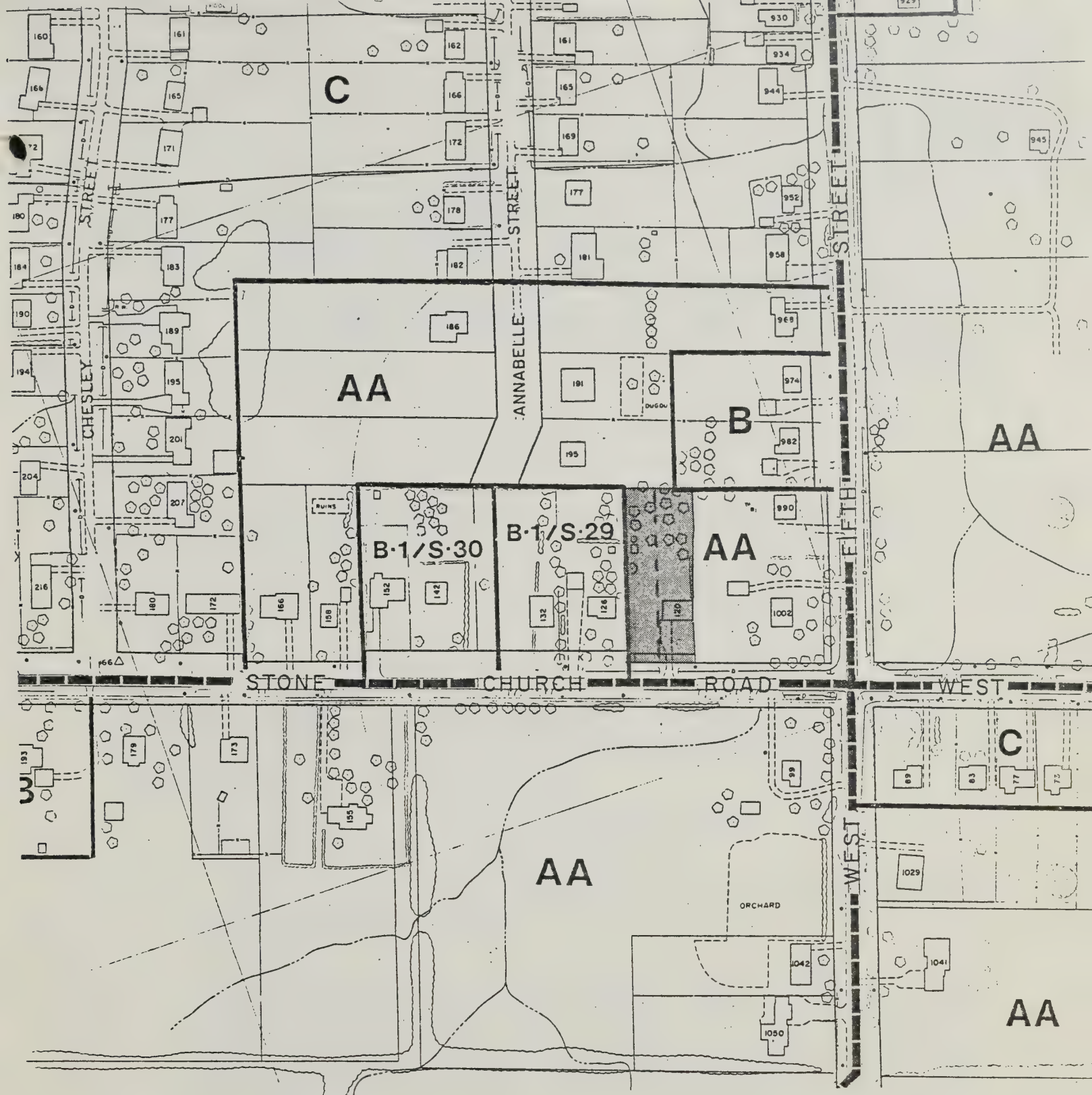
2. The proposal has merit and can be supported for the following reasons:
  - it implements the intent of the Official Plan which designates the subject land "RESIDENTIAL";
  - it implements the intent of the proposed Gourley Neighbourhood Plan which designates the lands for "SINGLE AND DOUBLE RESIDENTIAL" use;
  - it is an infilling situation; and
  - it would be compatible with existing and future intended uses in the surrounding area.
3. It should be noted that the road widening as recommended by the Hamilton-Wentworth Department of Engineering will be acquired as a condition of land severance approval (see BACKGROUND).

### CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma





### LEGEND



SITE OF THE APPLICATION





FOR ACTION

14.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 October 24  
COMM FILE:  
DEPT. FILE: ZA-88-70  
ST. CLAIR  
NEIGHBOURHOOD

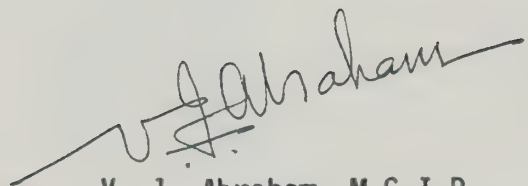
SUBJECT:

Request for a modification to the established "C" (Urban Protected Residential etc.) District regulations, to legalize the established Two-Family Dwelling located at No. 80 Myrtle Avenue.

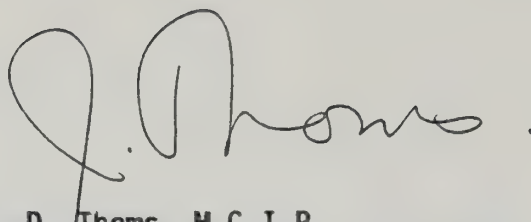
RECOMMENDATION

That Zoning Application 88-70, Dejan Srdic and Eunice Srdic, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 80 Myrtle Avenue, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- it represents an intrusion of a two-family dwelling into an area occupied primarily by single family dwellings;
- approval of the application would establish an undesirable precedent and set the stage for other land owners to convert their dwellings for multiple occupancy;
- it represents an over intensification of use in that the property is substandard from the point that it does not meet the minimum lot area requirements for a single-family dwelling (12.0 m of lot frontage (39.37 ft.) and an area of at least 360.0 m<sup>2</sup> (3,875.01 sq.ft.) whereas the property only has 9.14 m (30.0 ft.) of lot frontage and 220.17 m<sup>2</sup> (2,370 sq.ft.) of lot area. Furthermore, it does not meet the minimum lot area requirement for conversion in a "C" District under Section 19 of Zoning By-law No. 6593 of 270.0 m<sup>2</sup> (2,906.26 sq.ft.);
- Two off-street parking spaces are required whereas it appears that only one can be provided on-site.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

### FINANCIAL IMPLICATIONS

N/A

### BACKGROUND

Upon receiving a complaint regarding a property standards problem, the Building Department was alerted to the fact that the dwelling had been converted into two separate units. Consequently, on October 26, 1987, an Order to Comply was issued and the applicant was advised to take remedial action, i.e. a zoning application to legalize the second dwelling unit.

On the basis of information obtained from the Assessment Department the applicant acquired the property early in 1986 (March 6, 1986 assessment notified), and the dwelling was converted some time after this date. Current assessment status is a single-family dwelling occupied by a tenant.

### APPLICANT

Dejan Srdic and Eunic Srdic, owners.

### LOT SIZE AND AREA

- 9.14 m (30.0 ft.) of lot frontage on Myrtle Avenue;
- 24.07 m (79.0 ft.) of lot depth; and,
- 220.17 m<sup>2</sup> (2,370 sq. ft.) of lot area.

### LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Two-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the North	A three-family dwelling and single-family dwellings	"C" (Urban Protected Residential, etc.) District



### Surrounding Lands

To the South	Single-family and four two-family dwellings	"C" (Urban Protected Residential, etc.) District
To the East	Single-family dwellings, three two-family dwellings and two four-family dwellings	"C" (Urban Protected Residential, etc.) District
To the West	Children's Aid Society	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

### OFFICIAL PLAN

Designated "Residential", the proposal complies.

### NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved St. Clair Neighbourhood Plan, the proposal complies.

### COMMENTS RECEIVED

- The Building Department has advised that:

"According to the records on file with the Building Department, the legal use of the building is a single-family dwelling."

- The Traffic Department, Hamilton Region Conservation Authority, and The Local Architectural Conservation Advisory Committee have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as storm and sanitary sewers are available to service the subject lands.

Any work within the Myrtle Avenue road allowance must conform to the City's Streets By-laws."

### COMMENTS

1. The proposal complies with the Official Plan and the approved St. Clair Neighbourhood Plan in that the area is designated residential and "Single and Double" housing respectively.

2. The proposal cannot be supported for the following reasons:

- it represents an intrusion of a two family dwelling into an area occupied primarily by single-family dwellings;
- approval of the application would establish an undesirable precedent and set the stage for other land owners to convert their dwellings for multiple occupancy;
- it represents an over-intensification of use in that property is substandard from the point that it does not meet the minimum lot area requirement for a single-family dwelling 12 metres of lot frontage (39.37 ft.) and an area of at least 360.0 m<sup>2</sup> (3,875.01 sq.ft.), whereas the property only has 9.14 m (30.0 ft.) of lot frontage and 220.17 m<sup>2</sup> (2,370 sq.ft.) of lot area. Furthermore, it does not meet the minimum lot area requirement for conversion in a "C" District under Section 19 of Zoning By-law No. 6593 of 270.0 m<sup>2</sup> (2,906.26 sq.ft.);
- a minimum of two off-street parking spaces would be required for the converted dwelling whereas only one parking space appears to be available via a mutual driveway;

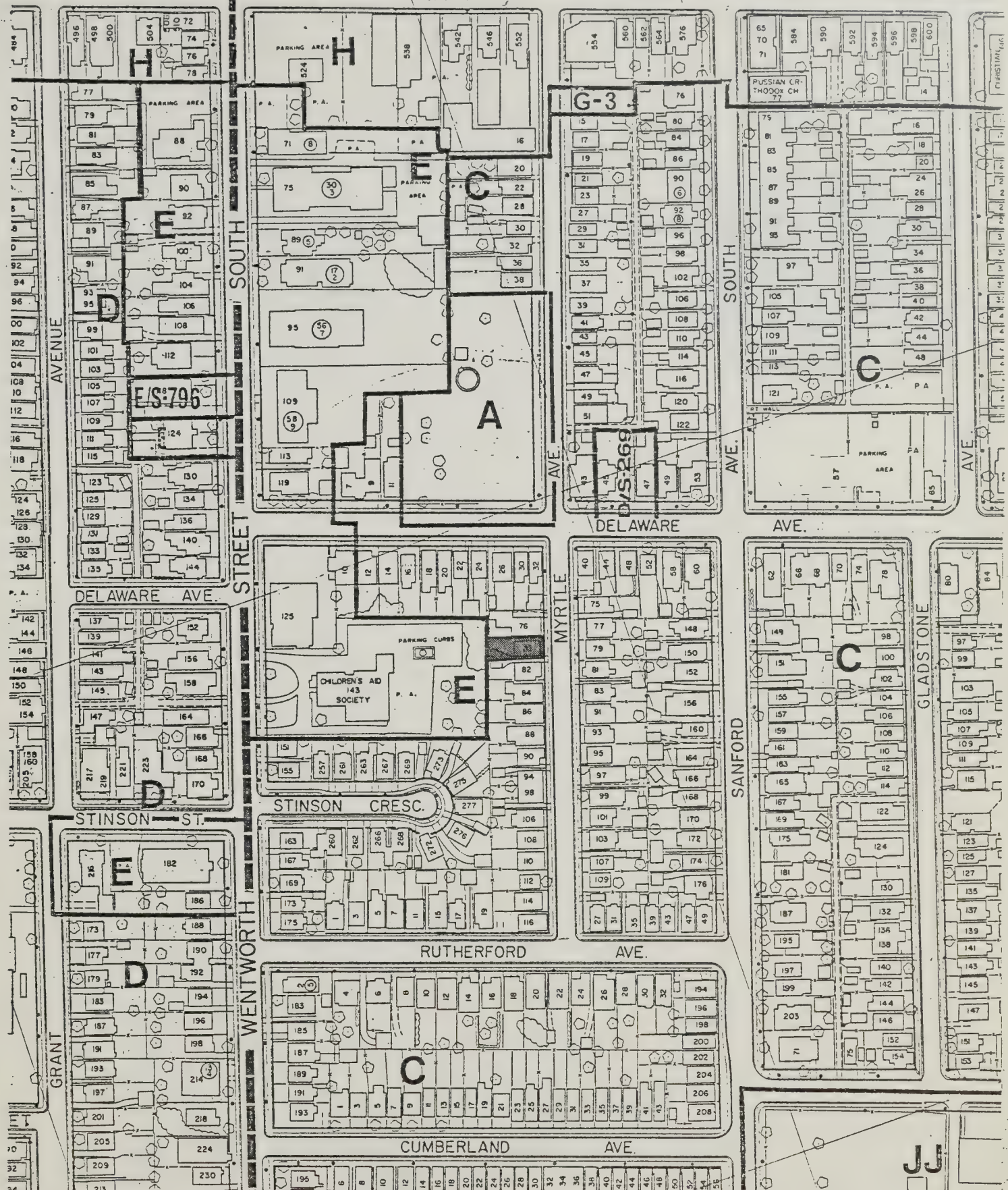
CONCLUSION

On the basis of the foregoing, the application should be denied.

GAW/dkp/ma

WP 0021P

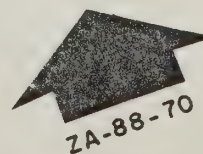




**LEGEND**



**SITE OF THE APPLICATION**

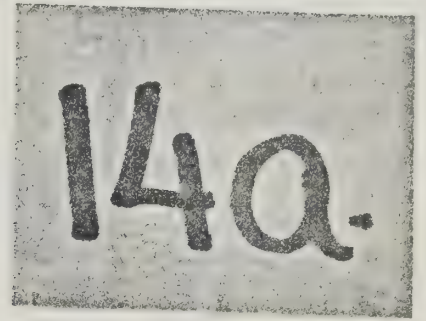






3 Rutledge Avenue  
Hamilton, Ontario  
L8N 1Y5  
Nov 11-88

NOV 16 1988



Secretary  
Planning and Development Committee  
City Hall  
71 Main St. West  
Hamilton, Ontario, L8H 3T4

I write to you regarding File ZAE8-70 Sec. 60122,  
the modification to C District Regulations per property  
at 80 Myrtle Avenue.

I do not agree with the duplexing of this property.  
The parking is very limited on Myrtle Avenue now  
such that vehicles are illegally parked on both  
sides of Myrtle Ave. now.

Our sewer system is more than over taxed  
presently.

I am a single dwelling owner and I do not  
wish to pay higher taxes so someone in my  
neighbourhood can benefit from rental income in  
a family neighbourhood.

Please keep me informed of this issue.

Thank you!

Sincerely,

Judith Davis



FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 9  
COMM FILE:  
DEPT. FILE: ZA-88-80  
TEMPLEMEAD  
NEIGHBOURHOOD

SUBJECT:

Request for changes in zoning for lands located at Nos. 1500, 1514 and 1522 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A".

RECOMMENDATION

That approval be given to Zoning Application 88-80, Mr. L. W. Bertrand, Mr. R. Gallager and Mr. J. Ferguson, owners, for changes in zoning (Block 1) from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District and (Block 2) from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, for lands located at Nos. 1500, 1514 and 1522 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

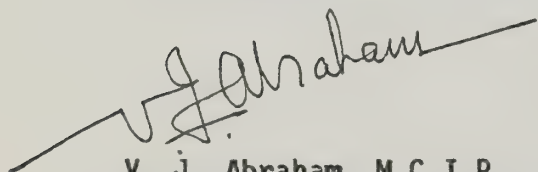
- i) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That the lands described as Block 2 be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map for presentation to City Council; and,
- v) That the Templemead Neighbourhood Plan be amended by redesignating the following:  
  
Block 1 - From "Attached Housing" and "Low Density Apartments" to "Single and Double" residential.  
  
Block 2 - From "Attached Housing" to "Low Density Apartments".

### EXPLANATORY NOTE

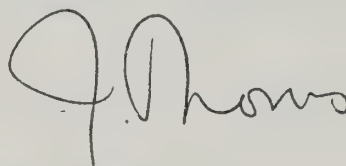
The purpose of this By-law is to provide for changes in zoning for properties located at Nos. 1500, 1514 and 1522 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Block 1 - From "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District; and,
- Block 2 - From "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District.

The effect of the By-law is to permit small lot single-family dwellings on the lands described as Block 1, and to permit low density apartment and/or townhouse development on the lands described as Block 2.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

### FINANCIAL IMPLICATIONS

N/A

### BACKGROUND

It is the applicant's intention to develop lands fronting onto Templemead Drive with small lot single-family dwellings to conform with the type of development already established in the immediate vicinity, and to develop all the lands fronting onto Upper Ottawa Street with low density apartments as opposed to low density apartments and townhouses contemplated by the approved Templemead Neighbourhood Plan.

The Planning Committee and City Council are on record of supporting zoning changes and amendments to the Templemead Neighbourhood Plan to provide for single-family development and small lot single-family development on lands previously designated for "Attached Housing" and "Low Density Apartments".

### APPLICANTS

Mr. L. W. Bertrand, Mr. R. Gallagher, and Mr. J. Ferguson, owners.



### LOT SIZE AND AREA

- 154.84 m (508 ft.) of lot frontage;
- 127.40 m (418 ft.) of lot depth; and,
- 19,726.7 m<sup>2</sup> (212.34 sq. ft.).

### LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Three single-family dwellings.	"AA" (Agricultural) District.
<u>Surrounding Lands</u>		
To the North	Single-family dwellings.	"C" (Urban Protected Residential, etc.) District, "AA" (Agricultural) District and "B-1" (Suburban Agriculture/Residential, etc.) District.
To the South	Small lot single-family dwellings.	"R-4" (Small Lot Single-Family Detached) District.
To the East	Vacant lands small lot single-family dwellings.	"R-4" (Small Lot Single-Family Detached) District.
To the West	Commercial office development and vacant lands.	"M-12" (Prestige Industrial) District.

### OFFICIAL PLAN

Designated "Residential", the proposal complies.

### NEIGHBOURHOOD PLAN

The northerly parts of Blocks 1 and 2 are designated for "Attached Housing" while the southerly parts of Blocks 1 and 2 are designated for "Low Density Housing" on the approved Templemead Neighbourhood Plan. The proposal does not comply. (see APPENDIX 'B' attached)

## COMMENTS RECEIVED

- The Building Department has advised that:

"It is assumed that the land in the "R-4" zoning District will be under a plan of subdivision."

- The Traffic Department, Hamilton Region Conservation Authority, and The Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains, as well as separate storm and sanitary sewers, are available to service the subject lands.

The designated road allowance width of Upper Ottawa Street is 30.48 m (100 ft.), in accordance with this designation. We recommend, as a condition of development approval, that sufficient lands be dedicated to the Region to establish the property line at 15.24 m (50 ft.) from the centre line of the original Upper Ottawa Street. Accordingly, the Region has prepared functional design plans to realign this section of Upper Ottawa Street.

The northerly portion of the lands to be rezoned will require a centre line elevation increase of +0.60 m, while the centre line elevation of Upper Ottawa Street to the south limits of the lands to be rezoned will be lowered by +1.0 m. We, therefore, recommend that the lands to be rezoned, fronting on Upper Ottawa Street, be developed through Site Plan Control to ensure that the grading and access elevations conform to the future centre line profile of Upper Ottawa Street.

The applicant should be warned and, if necessary, the appropriate changes should be made to the Zoning By-law, that we will recommend a site plan which avoids numerous driveways to Upper Ottawa Street. This recommendation will not apply if the developer waits for the reconstruction of Upper Ottawa Street."

## COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal does not comply with the approved Templemead Neighbourhood Plan. In this regard, it will be necessary to amend the approved Templemead Neighbourhood Plan by redesignating the following: (see APPENDIX 'B' attached)

Block 1 - From "Attached Housing" and "Low Density Apartment" to "Single and Double" residential use.

Block 2 - From "Attached Housing" to "Low Density Apartment" use.

3. The proposal has merit and warrants further consideration for the following reasons:
  - it implements the intent of the Official Plan;
  - it provides for a mix of housing types and generally conforms with the intent of the Templemead Neighbourhood Plan;
5. Development of land within a "DE-3" District is subject to the provisions of Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters related to site layout, landscaping, grading, parking and loading spaces fencing, etc. can be further reviewed at the site plan approval stage of development.

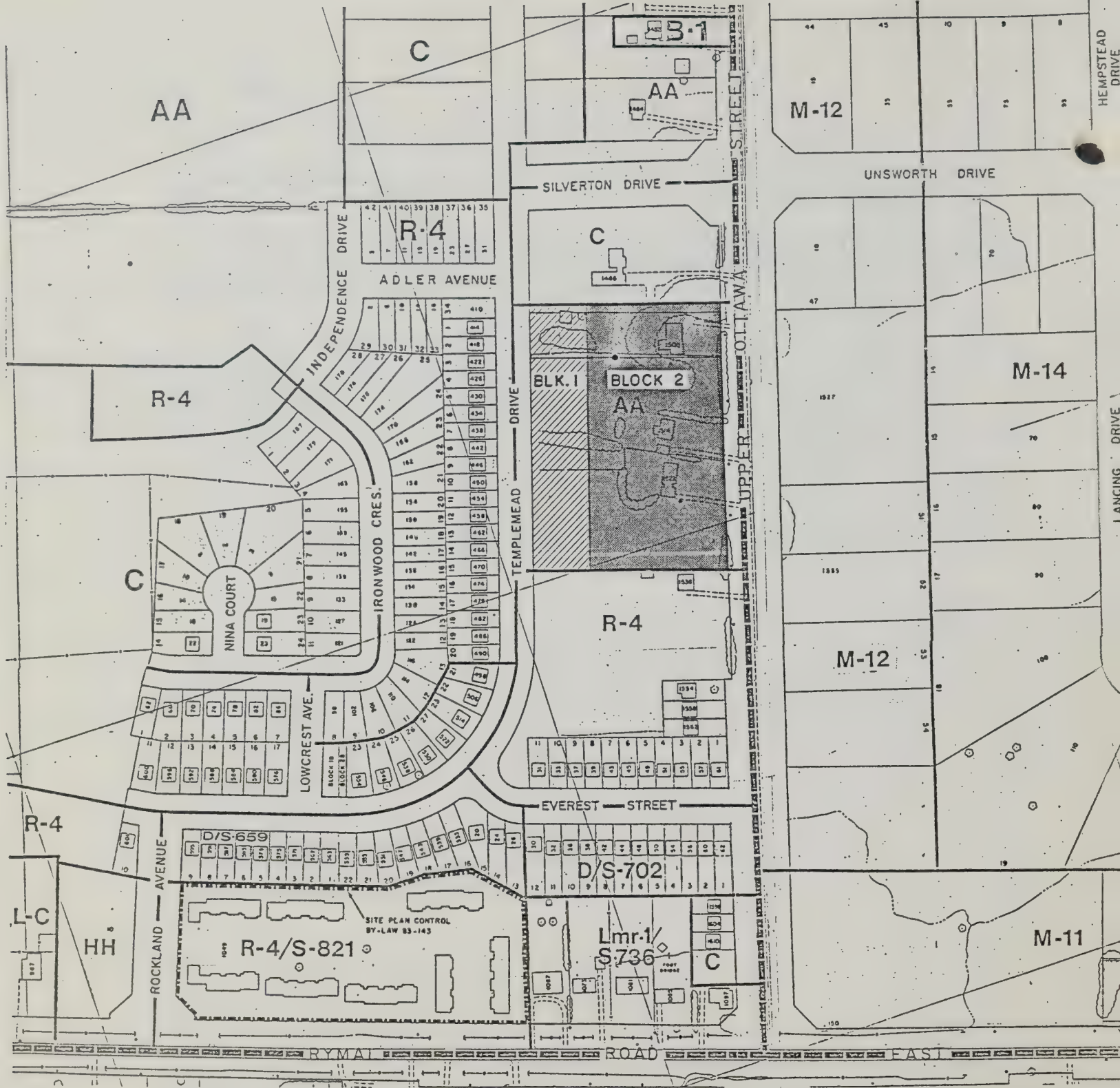
#### CONCLUSION

On the basis of the foregoing, the applications can be supported.

GAW/dkp/ma

WP 0021P





## LEGEND

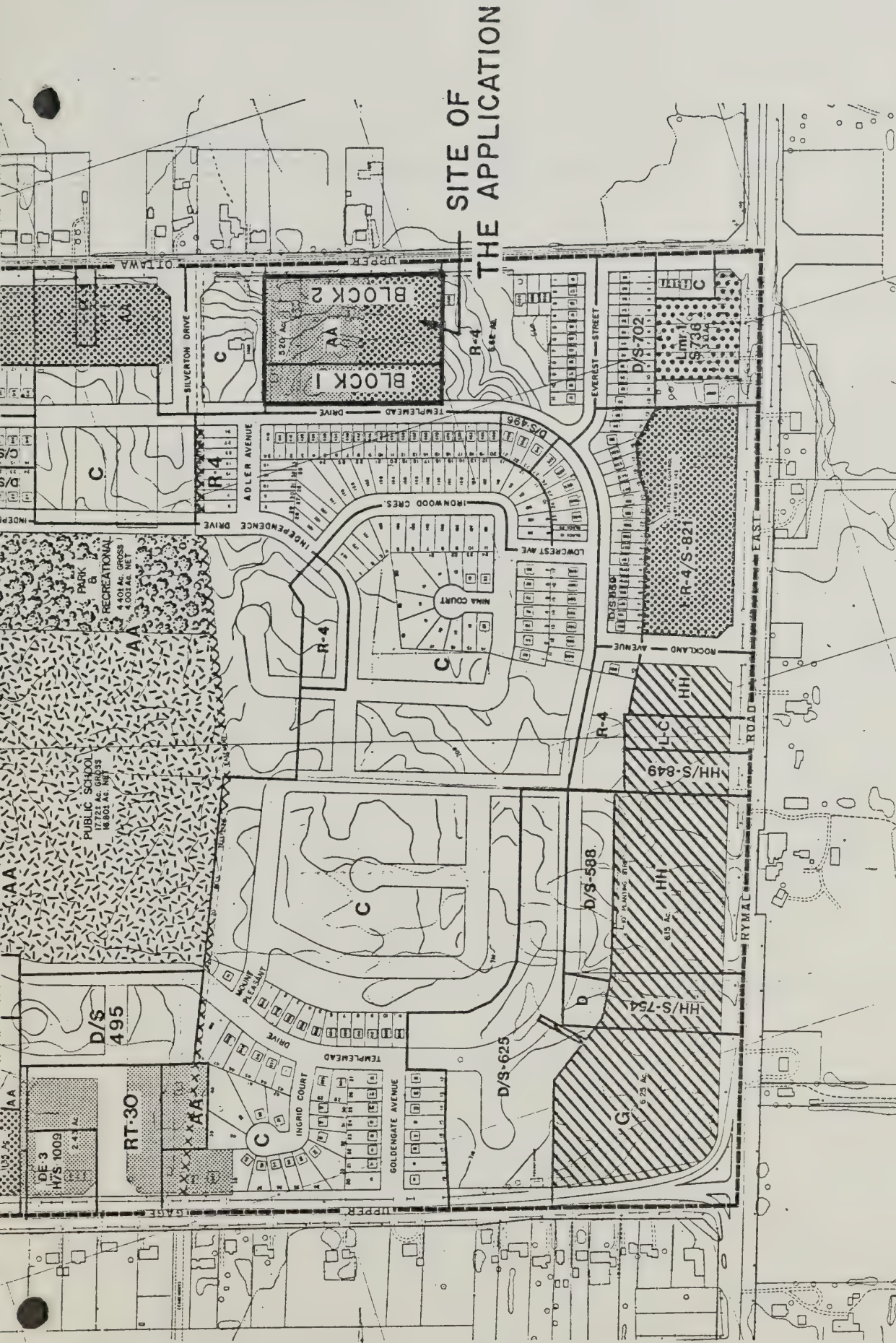
PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO:

BLOCK 1  "R-4" (SMALL LOT SINGLE-FAMILY DETACHED) DISTRICT.

BLOCK 2  "DE-3" (MULTIPLE DWELLINGS) DISTRICT.







# SITE OF THE APPLICATION

Note: This is a guide plan only and is subject to change. For details consult the Local Planning Division of the Regional Municipality of Hamilton, Wainwright.

Approvals:  
Neighbourhood Boundary  
Planning Bd. JUL 8, 1972  
Zoning Boundary  
Site Plan Control Boundary  
Council AUG 23, 1972  
Latest Map Amendment: E.D. 9, 1988

## TEMPLEMEAD APPROVED PLAN

### Land Use

Residential	Non-Residential
Single and Double	Commercial
Attached Housing	Industrial
Low Density Apartments	Civic and Institutional
Medium Density Apartments	Park and Recreational
High Density Apartments	Open Space
Commercial and Apartments	Utilities





458 Templemead Drive,  
Hamilton Ontario

L8W 2H2

November 16, 1988

The Secretary  
Planning and Development Committee  
City Hall  
71 Main St. W.  
Hamilton, Ontario L8N 3T4

NOV 17 1988

15 a.

Planning Dept File ZA-88-80

Dear Sirs:

I am against the proposed zone change for the following reason. Ever since we first moved here 2½ years ago we were told that it was planned that only single family detached housing would be built across the road from us.

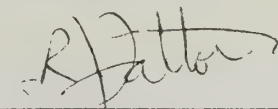
Now your proposed zone change still has single family detached housing for the east side of Templemead, with multiple dwellings in behind reaching over to Upper Ottawa. But I am afraid that if this proposal goes through the developer will first build a town house complex in Block 2 and when that is finished will then propose that he wouldn't be able to sell single family detached houses in Block 1 because no one wants to have their house backing onto a townhouse development and therefore wants to build multiple dwellings in Block 1 also. And once that is done then the block showing as R-4 will likely become multiple dwelling also. And there goes the promised single family detached housing on the <sup>east</sup> side of Templemead.

There are already single family detached houses on Upper Ottawa just north and south of Everest St. Why cannot the whole block be designated single family detached.

Please do not let the developers destroy the neighbourhood by putting in a lot of townhouses.

I would appreciate your comments.

Yours truly



---

R.J. Tatton





F O R   A C T I O N

16.

REPORT TO:     SUSAN REEDER, SECRETARY  
                 PLANNING AND DEVELOPMENT COMMITTEE

FROM:           J. D. THOMS, COMMISSIONER  
                 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 15  
COMM FILE:  
DEPT. FILE: ZA-88-42  
             Gibson  
             Neighbourhood

SUBJECT:

Request for a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for the property located at No. 19 Aikman Avenue.

RECOMMENDATIONS

- (a) That Zoning Application 88-42, Diton Construction, owner requesting a further modification to the "E" (Multiple Dwellings Lodges, Clubs, etc.) District provisions, to permit a 68 person privately run retirement home (residential care facility), for the property located at No. 19 Aikman Avenue, as shown on the attached map marked as APPENDIX "A" be denied as submitted for the following reasons:
- (a)     inadequate parking can be accommodated on site (23 parking spaces required, 16 to be provided) creating spill over parking onto adjacent residential streets.
  - (b)     it sets an undesirable precedent for future similar applications.
- (b) That approval be given to an amended Zoning Application requesting a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit a 45 person privately run retirement home (residential care facility) for the property located at No. 19 Aikman Avenue as shown on the attached map marked as APPENDIX "A" on the following basis:
- (i)     That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
    - (a) That notwithstanding Section 11.(1)(v) a residential care facility for the accommodation of not more than 45 persons aged 65 and over shall be permitted.
    - (b) That Section 11.(7) shall not apply.

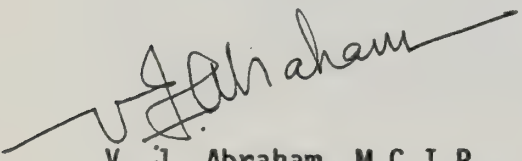
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-953a and that the subject lands on Zoning District Map E-22 be notated S-953a.
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for submission to Council.
- iv) That the proposed change in zoning is in conforming with the Official Plan for the Hamilton Planning Area.

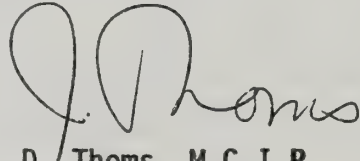
#### EXPLANATORY NOTE

The purpose of the By-law is to provide for a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions for the property located at No. 19 Aikman Avenue as shown on the attached map.

The effect of this By-law is to permit, a 45 person privately run retirement home (residential care facility) for persons aged 65 and over.

In addition, the by-law permits the residential care facility to be located within 180 meters of a residential care facility.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

##### o By-law 86-174 (ZA-85-96)

In 1986, the subject lands were rezoned from "G-3" (Public Parking Lot) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit the development of the subject lands for a 4 storey, 12 unit apartment building with parking for 15 cars.

##### o Committee of Adjustment Applications (A:86-193 and A-87-248)

In 1986 and 1987, the applicant sought relief from the Committee of Adjustment to reduce the side yard requirements. These additional variances were detected during the site plan approval process. The variances requested were granted.

o Current Proposal

The applicant wishes to use the building (which, at the present time is partially, constructed) for a privately run retirement home for the accommodation of 68 persons. The facility will have a common eating area lounge etc. No medical staff will be provided on-site however management will arrange for medical attention and administration of medicines when necessary. The target group is self sufficient senior citizens. It is for those people who would like to have an alternative living arrangement.

APPLICANT

Diton Construction, owner.

LOT SIZE AND AREA

- o 24.29 m (79.69 ft.) of lot frontage;
- o 41.46 m (136 ft.) of lot depth; and
- o 1,006.84 m<sup>2</sup> (10,837.84) sq.ft. of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	partially constructed building. (exterior shell)	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
<u>SURROUNDING LANDS</u>		
to the north	retail, commercial uses, autobody shop.	"H" (Community Shopping and Commercial, etc.) District.
to the south	single family dwellings.	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
to the east	parking lot whole sale retail uses offices, one and three family dwellings.	"G-3" (Public Parking Lots District.  "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.
to the west	single two and three family dwellings.	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District.  "H" (Community Shopping and Commercial, etc.) District.



### OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule A - Land Use Schedule. Residential uses are permitted within a RESIDENTIAL designation provided neighboring commercial uses do not have an impact on the proposed residential use. The proposal complies.

### NEIGHBOURHOOD PLAN

The subject lands are designated "Medium Density Apartments" in the approved Gibson Neighbourhood Plan. The proposal complies.

### COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority and Social Services Department have no objections.
- o The Building Department has indicated that variances are required.
- o The Traffic Department has advised that:  
"The application to permit a second level lodging house for 67 people is satisfactory subject to the condition that the development is placed under site plan control to ensure that adequate parking and access are provided."
- o The Hamilton-Wentworth Engineering Department has advised in part that:  
"According to Survey Plans submitted by the applicant, there is an existing chain link fence within the Aikman Avenue road allowance. This fence is in contravention of the City's Street By-law, and should be removed through the redevelopment of the property." (see attached letter for full comments)

### COMMENTS

1. The proposal complies with the Official Plan and approved Gibson Neighbourhood Plan.
2. The application, as submitted, cannot be supported for the following reasons:
  - (a) the proposed 68 persons retirement home (residential care facility) represents an over intensification of land use given that inadequate parking can be accommodated on site creating spill over parking onto the adjacent residential streets. The By-law requires 23 parking spaces where as the applicant can provide 15 spaces, a reduction of 8 spaces or (35%) of required parking.
  - (b) it sets an undesirable precedent for future similar applications.



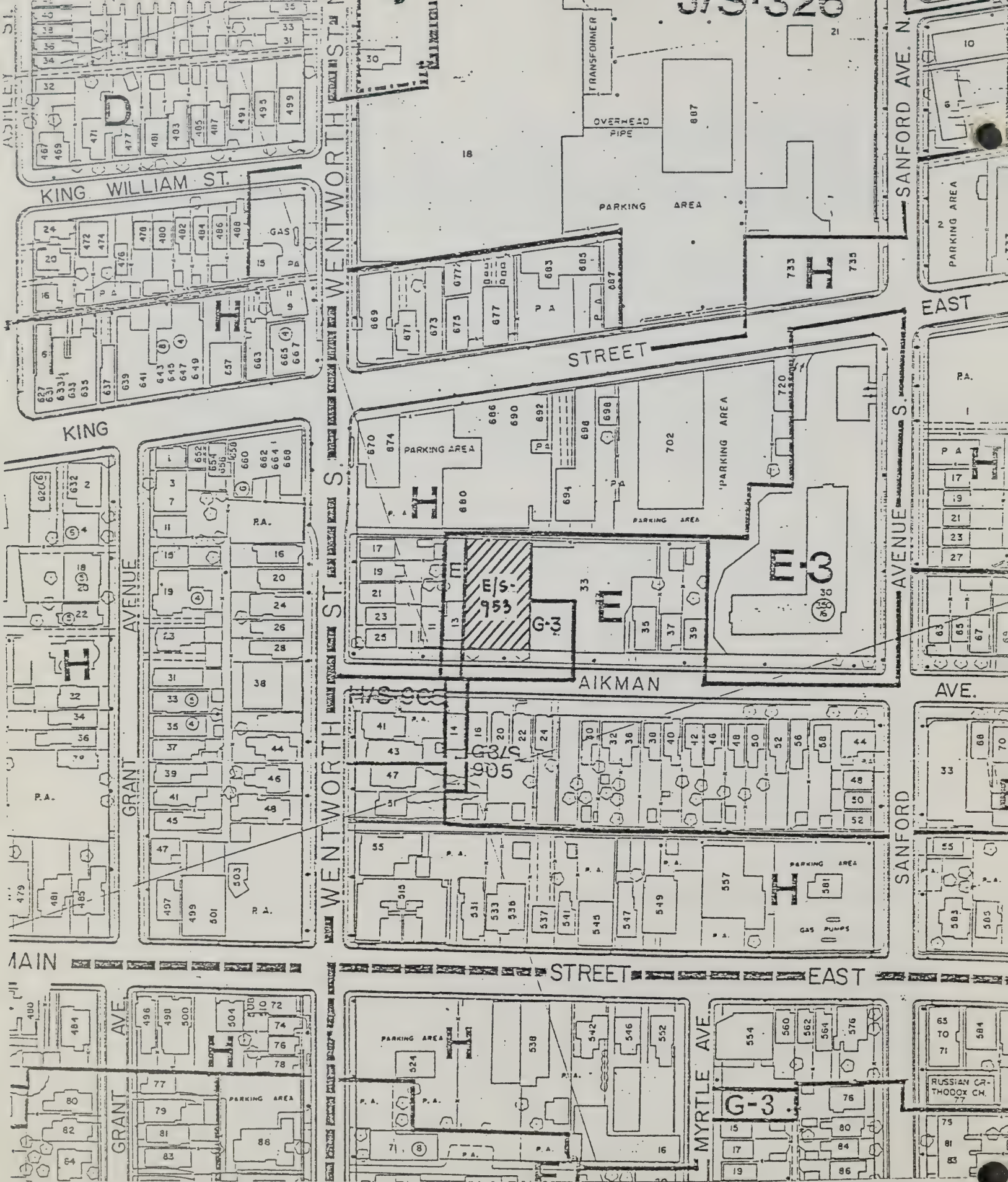
3. An amended application for 45 persons can be supported for the following reasons:
  - (a) adequate parking for 45 persons could be accommodated on-site at the ratio of 1 space per 3 persons.
  - (b) the "retirement home" is considered as a residential care facility for purposes of the By-law since there is no definition of a "retirement home". Accordingly, it is subject to both the 180 m radial separation distance and the 20 person capacity requirement. There is another residential care facility (corrections home) within 57 m of the subject lands. However, variances to the regulations can be supported since the nature of the 2 uses is significantly different in terms of the target population (i.e. age), supervision and the reasons for living communally. Furthermore, the retirement home operates more like a lodging home than a residential care facility given that senior citizens are free to conduct their own activities.
  - (c) the use is compatible with the surrounding mix of commercial and residential uses. (i.e. an office and senior citizens apartment to the east and commercial to the north)
  - (d) it is in an excellent location given its close proximity to public transit routes, shopping areas etc., and its proximity to downtown.
  - (e) With the aging population, retirement homes such as this, are required to accommodate the needs of senior citizens.
4. The lands are subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In 1987 the applicant received site plan approval for the building currently under construction. The intent of the application is to change the use only and therefore, no additional site plan application will have to be made.

#### CONCLUSION

Based on the foregoing, the amended application can be supported.

JH/ma

WP0144P



SITE OF THE APPLICATION

APPENDIX A



ZA 88-42





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering  
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT	
WORTH PLANNING SERVICE	
File No.	Date
	JUN 24 1988
TO	
FROM	
SUBJECT	
Refer to File No.	B220-0701
Attention of	T. L. Hearn
Your File No.	ZA-88-42
STAFF	
CART.	
ADMIN.	

I.D. 0134D(26)

June 23, 1988

TO: V. J. Abraham, Planning and Development  
FROM: K. A. Brenner, Planning Manager (Environmental)  
RE: Zoning Application ZA-88-42 for property at  
19 Aikman Avenue, Hamilton

Please be advised that both public watermains and combined storm/sanitary sewers are available to service the subject lands.

The existing road allowance width of Aikman Avenue is 24.38m (80 feet). We do not anticipate any further road allowance widenings at this time.

According to Survey Plans submitted by the applicant, there is an existing chain link fence within the Aikman Avenue road allowance. This fence is in contravention of the City's Streets By-law, and should be removed through the redevelopment of the property.

The alley to the rear of the subject lands is public assumed.

*K. A. Brenner*

JS/TLH:cab.





17.

F O R I N F O R M A T I O N

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 November 15  
COMM FILE:  
DEPT. FILE: ZA-88-79

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

PARKVIEW WEST  
NEIGHBOURHOOD

SUBJECT

Request for a modification to zoning - Nos. 90 and 100 Mead Avenue, and 1865 Brampton Street.

RECOMMENDATION

That approval be given to Zoning Application 88-79, Paling Incorporated, owner, for a modification to the established "J" (Light and Limited Heavy Industry, etc.) District to permit a salvage yard, for property located at Nos. 90 and 100 Mead Avenue and 1865 Brampton Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "J" (Light and Limited Heavy Industry, etc.) District regulations as contained in Section 16 of Zoning By-law No. 6593, applicable to the subject lands, be modified to provide for the following variances as special regulations:
  - a) That notwithstanding Section 16.(1), a salvage yard for the outside storage of motor vehicles for purposes of repair or rebuilding shall be permitted, but not including a motor-vehicle wrecking yard.
  - b) For purposes of this By-law, a motor-vehicle wrecking yard shall mean:
    - (1) "An establishment engaged in buying motor-vehicles, dismantling them, selling the used parts and scrap metal."
  - c) That a 1.8 m (6 foot) high visual barrier, and a minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the easterly side lot line.
  - d) That a 1.8 m (6 foot) high visual barrier and a minimum 3.0 m (10 foot) wide planting strip, excluding vehicular access, shall be provided and maintained along the lot lines adjoining Mead Avenue and Brampton Street.
- ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-82 be notated S- ;
- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-82 for presentation to City Council; and,

- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

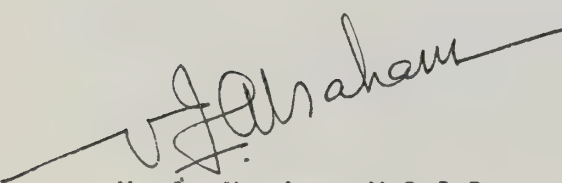
#### EXPLANATORY NOTE

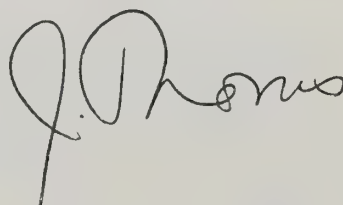
The purpose of the by-law is to provide for a modification to the established "J" (Light and Limited Heavy Industry, etc.) District for property located at Nos. 90 and 100 Mead Avenue, and No. 1865 Brampton Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit, in addition to the "J" District uses, a salvage yard (not a motor vehicle wrecking yard) for the outside storage of motor vehicles (e.g. trucks, trailers, buses) which are to be repaired/rebuilt.

In addition, the By-law provides for the following modifications as special provisions:

1. To require the provision and maintenance of a 1.8 m (6 foot) high visual barrier, and a minimum 3.0 m (10 foot) wide planting strip along the easterly side lot line.
2. To require the provision and maintenance of a 1.8 m (6 foot) high visual barrier and a minimum 3.0 m (10 foot) wide planting strip, excluding vehicular access, along the lot lines adjoining Mead Avenue and Brampton Street.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### FINANCIAL IMPLICATIONS

N/A.

#### BACKGROUND

##### o Proposed Development

The applicant has requested a modification to the established "J" (Light and Limited Heavy Industry, etc.) District to permit the outside storage of second-hand motor vehicles and parts (salvage yard). Apparently, the applicant is involved in the repair/rebuilding of trucks, trailers and buses due to accidents, age, etc. The operation is not a wrecking yard where vehicles are dismantled for selling of used parts and scrap. The applicant claims that the property has been used for these purposes for approximately 15 years.

- Order to Comply

On February 17, 1988, the Building Department issued an Order to Comply against the subject property respecting the use of the land as a motor vehicle wrecking yard and the storage of used motor vehicles not in an operative condition.

APPLICANT

Paling Incorporated, owner.

LOT SIZE AND AREA

The subject property is a through lot having approximately:

- 70.1 m (230 feet) of frontage on Mead Avenue and Brampton Street;
- 138.7 m (455 feet) of lot depth; and,
- 1.0 ha (2.4 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Industrial (storage of buses, trucks, etc.)	"J" (Light and Limited Heavy Industry, etc.) District
<u>Surrounding Lands</u>		
To the north, south and west	Industrial	"J" (Light and Limited Heavy Industry, etc.) District
To the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept of the Official Plan. In addition, the lands are also located within "SPECIAL POLICY AREA 11", which permits Light Industrial uses. The following policies, among others, apply:

- "2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.



2.3.21 LIGHT INDUSTRIAL development may be permitted in areas abutting Residential Uses, provided that:

- i) Adequate buffering is provided between the two uses by such means as adequate separations, landscaping, barriers and plantings;
- ii) Appropriate site plan controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and,
- iii) The impacts of LIGHT INDUSTRIAL USES on the surrounding area in terms of traffic flows, building forms and relationships to neighbouring buildings or uses are acceptable."

On the basis of the foregoing, the proposal complies with the intent of the Official Plan.

#### NEIGHBOURHOOD PLAN

The subject lands are designated "INDUSTRIAL" in the approved Parkview West Neighbourhood Plan. The proposal complies.

#### RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - LACAC;
  - Traffic Department;
  - Hamilton Region Conservation Authority.
- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Public watermains, as well as combined storm and sanitary sewers, are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

Any works within the adjacent road allowance must conform to the City's Streets By-law.

Comments should be obtained from the City Traffic Department with respect to access, sight distances, etc."

- The Building Department has advised as follows:

"...The use that the applicant would like to have is a "salvage yard" which is only permitted in a "K" zoning district.

Attached are copies of correspondence our Department has issued in the last few months concerning this property.



The legal use of 1865 Brampton Street is a transport shipping yard, for which the building was built in 1960."

### COMMENTS

1. The proposal complies with the intent of the Official Plan and the approved Parkview West Neighbourhood Plan.
2. The proposal has merit for the following reasons:
  - it appears to have existed harmoniously with land uses, in the surrounding area. In this regard, the applicant has purportedly carried on the proposed use for approximately 15 years at this location;
  - it is no less feasible than other permitted uses under the established "J" District zoning (e.g., storage of second-hand pipe, bricks, lumber and other second-hand building materials, fixtures, or appurtenances, but excepting scrap; a cartage, express or truck transport yard or terminal or a shipping, trans-shipping or distributing depot).

It should be noted, that the proposed salvage yard is intended to function as an outside storage compound for trucks, trailers and buses which are awaiting repair/rebuilding due to accident, age, etc. Such use is distinct from a motor vehicle wrecking yard wherein motor vehicles are dismantled for the sale of used parts and scrap.

3. In keeping with the intent of the design guidelines for the approved Parkview West Neighbourhood Plan, the applicant should be required to provide the following mitigative measures to protect the adjoining residences to the east:
  - a 1.8 m (6 foot) high visual barrier along the easterly side lot line; and,
  - a minimum 3.0 m (10 foot) wide planting strip along the easterly lot line.

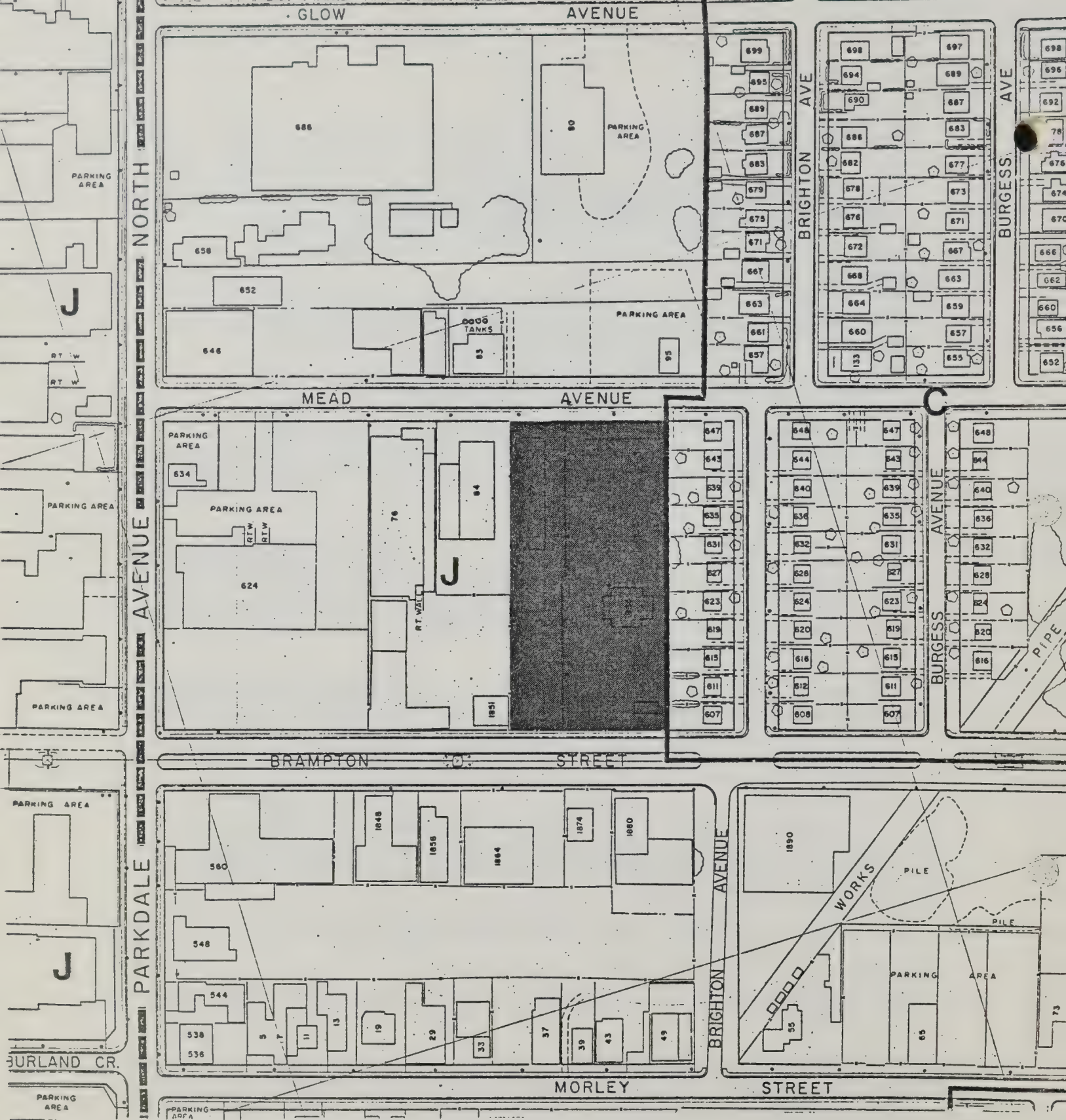
Considering the nature of the proposed use (i.e., salvage yard) it would be appropriate to apply the foregoing mitigating measures to the lot frontages on Mead Avenue and Brampton Street, thereby enhancing the streetscape.

### CONCLUSION

On the basis of the foregoing, the application can be supported.

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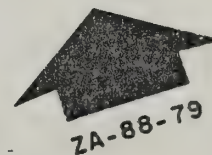
WP 0330P



# LEGEND



SITE OF THE APPLICATION



APPENDIX A 14



A. L. CLEMENS

657 BRIGHTON AVE

HAMILTON, ONT. L8H6H3

PHONE 544-0120

NOV. 17/88

THE SECRETARY

PLANNING AND DEVELOPMENT COMMITTEE

71 MAIN ST W.

HAMILTON ONT L8N3T4

DEAR <sup>SIR</sup> OR MADAM:

RE YOUR FILE # ZA-88-79

I AM VEHEMENTLY OPPOSED TO THE REZONING OF PROPERTIES OWNED BY PALING INCORPORATED KNOWN AS 1865 BRAMPTON ST. AND 90-100 MEAD AVE., FOR STORAGE OF ANY USED VEHICLES, PARTS, TIRES, DRUMS, TANKS ETC. (SALVAGE). IT DEPRECIATES OUR PROPERTY VALUE, CREATES ~~AN~~ UNSAFE SITUATIONS RE HEAVY ~~HEAVY~~ EQUIPMENT USED TO MOVE THE ABOVE ON CONNECTING STREETS, A POTENTIAL FIRE HAZARD AND CREATES AN ENVIRONMENT FOR SKUNKS AND RODENTS

THIS IS ALSO OPPOSED BY MY NEIGHBORS

YOURS TRULY

(Andy) A. L. Clemens

17a





F O R   A C T I O N

18.

REPORT TO:      SUSAN REEDER, SECRETARY  
                         PLANNING AND DEVELOPMENT COMMITTEE

FROM:            J. D. THOMS, COMMISSIONER  
                         PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 18  
COMM FILE:  
DEPT. FILE: ZA-88-78  
                 Corktown  
                 Neighbourhood

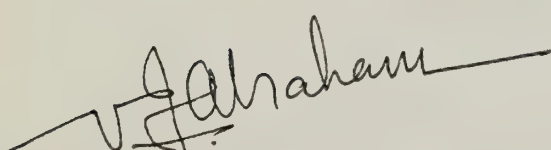
SUBJECT:

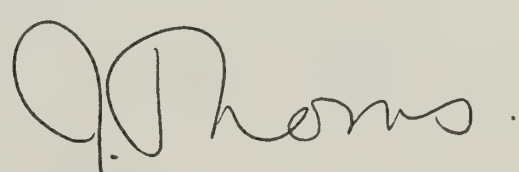
Request for a modification in zoning - Nos. 130, 132, 134 and 136 Young Street.

RECOMMENDATION

That Zoning Application 88-78, Karen and Frank Murphy, owners, requesting a modification to the established "E-3" (High Density Multiple Dwellings) District to permit a 2 storey addition to No. 132 Young Street for medical offices on the ground floor and 3 apartment units on the second floor, to be developed in conjunction with lands located at Nos. 130, 134 and 136 Young Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i)    The proposal is inappropriately located with respect to adjacent RESIDENTIAL uses;
- ii)   The proposal represents an over-intensification of land use, in that adequate parking, building setbacks, planting strips, manoeuvring space, etc., cannot be provided;
- iii)   The proposal would detract from the character of the surrounding RESIDENTIAL area;
- iv)   Approval of the application would set an undesirable precedent for future similar applications in the surrounding area.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### ● Proposed Development

The applicant proposes to demolish the existing frame building located at No. 130 Young Street, and construct a 2 storey 316 m<sup>2</sup> (3,404 sq.ft.) addition to the rear of the existing building located at No. 132 Young Street (see APPENDIX "B").

The proposed development would provide for the following:

#### - Main Floor

Doctor's offices (2) having a total of approximately 215 m<sup>2</sup> (2,316 sq.ft.) of floor space.

#### - Second Floor

Three (3) apartment units comprised of one - 1 bedroom and two - 2 bedroom units, having a total of approximately 215 m<sup>2</sup> (2,316 sq.ft.) of floor area.

#### - Parking

8 spaces

#### - Landscaping

16.2% of lot area.

### ● By-law No. 87-307

At its meeting of September 16, 1987 the Planning and Development Committee approved Zoning Application 87-74, contrary to staff recommendation, to provide a modification to the established "E-3" (High Density Multiple Dwellings) District for property located at Nos. 122-124 Young Street to permit professional offices within the existing building.

Council subsequently passed By-law No. 87-307 on November 10, 1987.

## APPLICANT

Karen and Frank Murphy, owners.

## LOT SIZE AND AREA

The subject property is irregularly shaped and has approximately:

- 24.246 m (79.5 ft.) of frontage on Young Street; and
- 714.14 m<sup>2</sup> (7,681.1 sq.ft.) of lot area.

## LAND USE AND ZONING

<u>SUBJECT LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
	Two single-family dwellings, vacant	"E-3" (High Density Multiple Dwellings) District.
<u>SURROUNDING LANDS</u>		
to the north	One family and two family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.
to the east	One family dwelling and row housing	"E-3" (High Density Multiple Dwellings) District.
to the west	One family dwelling (vacant), office, and multiple dwellings	"E-3" (High Density Multiple Dwellings) District.
to the south	One family dwellings and multiple dwellings	"E-3" (High Density Multiple Dwellings) District.

## OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, among other, apply:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- 2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
  - ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
  - iii) Will provide an acceptable amount of on-site parking; and,
  - iv) Will otherwise not detract from the character of the RESIDENTIAL area."



In addition, the lands are located within "SPECIAL POLICY AREA 3" on Schedule "B", the intent of which is to promote and protect housing in close proximity to the downtown.

Considering that the subject property does not provide an acceptable amount of parking, and would detract from the residential character of the area (Policy 2.1.5 - see above), the proposal does not comply with the intent of the Official Plan.

Consequently, approval of the application would require an Official Plan Amendment to create a Special Policy Area to permit the medical offices.

### NEIGHBOURHOOD PLAN

The subject lands are designated for "HIGH DENSITY APARTMENTS" in the approved Corktown Neighbourhood Plan, the proposal does not comply. Approval of the application would require an amendment to redesignate the lands to "COMMERCIAL AND APARTMENTS".

### RESULTS OF CIRCULARIZATION

- The Hamilton Region Conservation Authority has no objection.
- The Building Department has advised as follows:
  - "1. A variance is required for the west and south side yards.
  2. The length of manoeuvring for the east parking lot is not 6.0 m long.
  3. The manoeuvring for the two cars parked in the front of the building is on city property (off-site).
  4. A doctor's office is not permitted in an "E-3" zoning district.
  5. Parking required is commercial 7 cars and residential 4 cars for a total of 11 cars. Shown is 8 cars.
  6. The loading space is not required.
  7. The required 40% landscape area is not provided.
  8. There is no landscape strip on the east or south lot lines adjacent to the parking area.
  9. Both driveway entrances and exits are within 3.0 m of the adjoining residential zoning district (Section 18A(26)).
- LACAC has advised as follows:

"The 1 1/2 storey frame house at 130 Young Street has an ornate wooden porch which is now very delapidated. The whole house, which has been standing vacant for some time, appears to be in a bad state of disrepair. We therefore, have no objections to its demolition. We support the proposed use of and addition to the two storey brick house at 132 Young Street on the following conditions:

  1. that the new addition is compatible with the existing house in terms of its massing and materials.
  2. that the original architectural features of the street facade are retained: in this case, the three original windows and the transom over the doorway (the existing front door is not the original one)."



- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road widenings at this time.

Any work within the Young Street road allowance must conform to the City of Hamilton Streets By-laws.

Comments from the City of Hamilton Traffic Department should be taken into consideration with respect to the access, etc."

- The Traffic Department has advised as follows:

"This letter is meant to reaffirm the number of parking spaces required for this development. - The Zoning By-law requires there to be 11 parking spaces...The revised site plan shows only 8 spaces.

This is still a 27 percent reduction in parking and, therefore, our position remains the same. We cannot support this application".

#### COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to establish a "SPECIAL POLICY AREA" to permit the proposed uses within the "RESIDENTIAL" designation.
2. The proposal does not comply with the Approved Corktown Neighbourhood Plan. Approval of the application would require an amendment to redesignate the lands from "HIGH DENSITY APARTMENTS" to "COMMERCIAL AND APARTMENTS".
3. On the basis of a preliminary Site Plan, the Building Department has advised that approval of the application would require the following variances:

- Permitted Use

The proposed medical offices are not a permitted use in the "E-3" (High Density Multiple Dwellings) District (Section 11C(1)).

- Parking

A minimum of 11 parking spaces (4 residential & 7 medical) are required for the proposed development, whereas only 8 are proposed. It should be noted, that normally a total of 17 spaces would be required. However, due to the location of the subject property in the Central Area, the required parking for the medical offices is reduced by 50% (section 18A - TABLE 1).

- Planting Strip

A minimum 1.5 m (4.92 foot) planting strip is required along the boundary of the parking area and the adjoining residential district (i.e. easterly side lot line, southerly rear lot line, and westerly side lot line), whereas none is provided (section 18A.(11) & (12)).

- Landscaped Area

A minimum landscaped area of 40% of the lot area is required, whereas only 16% is proposed.

- Yard Requirements

A minimum side yard setback of 4.59 m (15 feet) is required, whereas 1.6 m (5.2 ft.) is proposed along the westerly side yard and 1.38 m (4.5 ft.) along the southerly side yard (section 11C.(2)(b)).

- Manoeuvring Space

The required manoeuvring space for the 2 proposed parking spaces in the westerly side yard is to be provided off-site (Young Street), whereas it should be located on-site (section 18A.(9)).

Furthermore, the required manoeuvring space for the easterly parking area should be a minimum 6.0 m (19.68 ft.) in width, whereas it is proposed to be 5.369 m (17.61 ft.) wide (section 18A - TABLE 6). However, it should be noted that the proposed manoeuvring space would only be 2.369 m (7.7 ft.) wide if the required planting strips (1.5 m) were provided along the boundary of the parking area.

- Driveway Access

Both driveway entrances and exits are within 3.0 m (9.84 ft.) of the adjoining residential districts which is prohibited (section 18A.(26)).

As illustrated by APPENDIX "B", the requested variances are required in order to accommodate a large 2 storey addition of approximately 316.2 m<sup>2</sup> (3,404 sq.ft.), which is almost 3 X the size of the existing 114 m<sup>2</sup> (1,228 sq.ft.) building (No. 132 Young St.) to which it is to be added. Clearly, the number and nature of the variances (e.g. parking, manoeuvring space, planting strips, yard setbacks, etc.) are indicative of an over-intensification of use. The proposed bulk and scale of development is inappropriate for the site, and would detract from the character of the surrounding RESIDENTIAL area.

The non-compliance of the proposal with accepted design standards respecting parking, manoeuvring space, buffer strips, etc., could result in negative spill-over effects on adjoining residential uses.

Consequently, the proposal cannot be supported for the following reasons:

- it is inappropriately located with respect to adjacent RESIDENTIAL uses;
- it represents an over-intensification of land use, in that adequate parking, building setbacks, planting strips, etc., cannot be provided;
- it would detract from the character of the surrounding RESIDENTIAL area; and
- approval of the application would set an undesirable precedent for future similar applications in the surrounding area.

It should be noted, that eventhough Planning Committee and Council approved By-law No. 87-307 (see BACKGROUND) to permit professional offices at Nos. 122-124 Young Street, contrary to staff recommendation, the circumstances were considerably different. More specifically, the professional offices for Nos. 122-124 Young Street are only permitted in the existing building which, as an interim use, would not prejudice the redevelopment of the properties for their future intended use. Whereas, the subject application would provide for a large addition, the effect of which would be to preclude future intended development.

### CONCLUSION

On the basis of the foregoing, the application cannot be supported.

PDM/ma

WP0365P











NOV 22 19

18a

WE OBJECT AND ARE OPPOSED TO THIS CHANGE FOR THE  
FOLLOWING REASONS:

Nov.

1. The notice is unclear - is it intended to have 8 parking spaces serving 132 Young St. and the proposed medical/apartment building?
2. If 8 parking spaces are intended to serve the development on 130, 132, 134 and 136 Young St. we object, as this amount of parking for this site is grossly inadequate.

We feel that there should be 1.5 spots per dwelling unit and an appropriate number based on the zoning by-law requirements for a medical office.

Our concern is that there will be insufficient parking for this project and will put pressure on already inadequate local parking spaces.

PROPOSED CHANGE - MODIFICATION TO THE E-3 DISTRICT REGULATIONS

PROPERTY DESCRIPTION - NOS 130 132 134 AND 136 YOUNG STREET

I AM IN FAVOUR OF ( )

OPPOSED TO (X) (PLEASE CHECK (V) WHICH)

THIS PROPOSED CHANGE

.....SIGNED

.....  
FLAIANI GINO  
FLAIANI LUCREZIA  
168 WALNUT S  
HAMILTON, ONT

PLEASE DIRECT INQUIRIES TO

L8N 2L9

PLANNING DEPT 526-4445

.....  
FILE-ZA88-78      SEQ-00836



FOR ACTION



REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 17  
COMM FILE:  
DEPT. FILE: ZA-88-85  
Gershome  
Neighbourhood

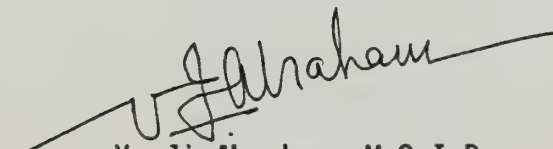
SUBJECT:

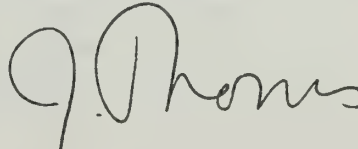
Request for changes in zoning - No. 4 Centennial Parkway South and adjacent lands to the south.

RECOMMENDATION

That Zoning Application 88-85, AMD Investements Limited, prospective owner, requesting a change in zoning from "G-3" (Public Parking Lots) District and "RT-10" (Townhouses) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 4 Centennial Parkway South and adjacent land to the south, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposal conflicts with the intent of the Official Plan and the Approved Gershome Neighbourhood Plan, which designate the southerly portion of the property (Block "2") for "RESIDENTIAL" use;
- ii) Traffic generated by the proposed development would have a significant detrimental impact on the operation of the intersection at King Street East and Centennial Parkway South;
- iii) There is an adequate supply of commercially designated and zoned lands in the surrounding area to serve the needs of the neighbourhood; and
- iv) Approval of the application would set an undesirable precedent for future similar applications in the surrounding area.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### ● Proposed Development

The applicant proposes to develop the subject lands in conjunction with adjoining lands to the north (i.e. No. 4 Centennial Parkway South and No. 2880 King East) for shopping plaza having:

- 15 units;
- a gross floor area of 2,601 m<sup>2</sup> (28,000 sq.ft.); and
- 107 parking spaces.

### ● Land Severance

At its meeting of September 13, 1988 the Land Division Committee tabled application H-152-88 which requested the conveyance of Block "2" (see APPENDIX "A") to the applicant.

## APPLICANT

AMD Investments Limited, prospective owner.

## LOT SIZE AND AREA

The subject property has approximately:

- 96.37 m (316.17 feet) of frontage along Centennial Parkway South; and
- 6,719 m<sup>2</sup> (72, 325 sq.ft.) of lot area.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Parking lot and vacant	"G-3" (Public Parking Lots) District and "RT-10" (Townhouse) District.
<u>SURROUNDING LANDS</u>		
to the north	Commercial	"HH" (Restricted Community Shopping and Commercial) District.
to the south	Vacant	"RT-10" (Townhouse) District.
to the west	Cemetery	"AA" (Agricultural) District.
to the east	Residential	City of Stoney Creek.

## OFFICIAL PLAN

The northerly portion of the subject lands (see APPENDIX "A" - Block "1") are designated "COMMERCIAL", and the southerly portion (see APPENDIX "A" - Block "2") are designated "RESIDENTIAL". The proposal does not comply. Approval of the application would require an amendment to redesignate the portion of the subject lands designated "RESIDENTIAL" (Block "2") to "COMMERCIAL".

## NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL" (Block "1" - APPENDIX "A") and "ATTACHED HOUSING" (Block "2") in the approved Gershome Neighbourhood Plan. The proposal does not comply. Approval of the application would necessitate an amendment to redesignate the southern portion of the property (Block "2") from "ATTACHED HOUSING" to "COMMERCIAL".

## RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - LACAC;
  - Building Department;
  - Hamilton Region Conservation Authority;
- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains as well as storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

With respect to the site plan, we advise that no portion of the underground structure, buildings, etc., may encroach into the adjacent road allowances. Any work within the adjacent road allowances must conform to the City's Streets By-law. We also recommend that the applicant contact BUD (527-7977) prior to any work within the road allowance and any relocation of utilities is the responsibility of the applicant.

Comments from the City's Traffic Dept. should be considered with respect to the access design. The grade of the access(es) within the road allowance(s) is not to exceed 3%. Furthermore, all vegetation, etc., within 3 m of the accesses is not to exceed a mature height of 0.80 m above the centre line elevation of the respective streets.

The conversion of the townhouse zoning to commercial is undesirable in our opinion, and recommended against on the basis of the additional traffic as documented in more detail in the Traffic Department's letter.

Furthermore, the change from residential to commercial is also undesirable from a sanitary sewer and storm water disposal viewpoint. While this change in increased loading is not great enough to deny the application, it does reinforce the recommendation to deny for traffic reasons".



- The Ministry of Transportation and Communications has advised as follows:

"We advise that building/land use, entrance and sign permits are required from this Ministry prior to construction being undertaken.

A site/drainage plan must be provided for review by our Signs and Permits Inspector prior to Ministry permits being issued.

In addition, we forward the following:

- a) recommend provision of a 9.0 m entrance to King Street as a primary entrance point.
- b) recommend the mutual entrance to Hwy. No. 20 be registered on title.
- c) recommend the existing median be extended past the proposed entrance.
- d) building set-backs to accommodate the following.
  - i) possible grade separation of the Hwy. 20/King Street intersection.
  - ii) widening required to accommodate entrance improvements to Hwy. No. 20.
  - iii) set-back distance of 45.0 feet from highway property line.

All costs associated with entrance improvements to be at the developers own expense and a legal agreement for same must be entered into prior to Ministry permits being issued.

The developer to provide a traffic report indicating the anticipated peak hour turning volumes for review by our Planning and Design Office".

- The City of Stoney Creek Planning Department has advised as follows:

"...In conclusion, after a review of the Approved Neighbourhood Plan for Gershome Neighbourhood, Planning Department Staff would recommend that the City adhere to the approved Neighbourhood Plan which incorporates appropriate land use allocations at satisfactory locations within the neighbourhood. More importantly, residential development on the subject lands could be included with lands to the west and south thereby providing access to the subject lands via an internal road rather than Hwy. No. 20. Should the City of Hamilton be in favour of this proposal, the City of Stoney Creek Staff recommend that no approvals be given until the Traffic Study for Highway 20/King Street has been completed and the final course of action has been determined by the appropriate road authorities".

- The Traffic Department has advised as follows:

"...The Approved Neighbourhood Plan for this area designates the subject lands for development as attached housing. Our review indicates that the peak hour traffic generated by a site this size would be approximately 20 trips (12 in/9 out) that could be accommodated by the adjacent road system.



The proposed development of 2600 square metres of commercial land use would generate approximately 400 trips in the peak hour (200 in/200 out) which would have a significant impact on the operation of the intersection of King Street and Centennial Parkway. In addition, it is our understanding that any access to Centennial Parkway would be limited to right turns in and out of the proposed development. The design and location of any access to Centennial Parkway would be subject to the approval of the Ministry of Transportation and Communication.

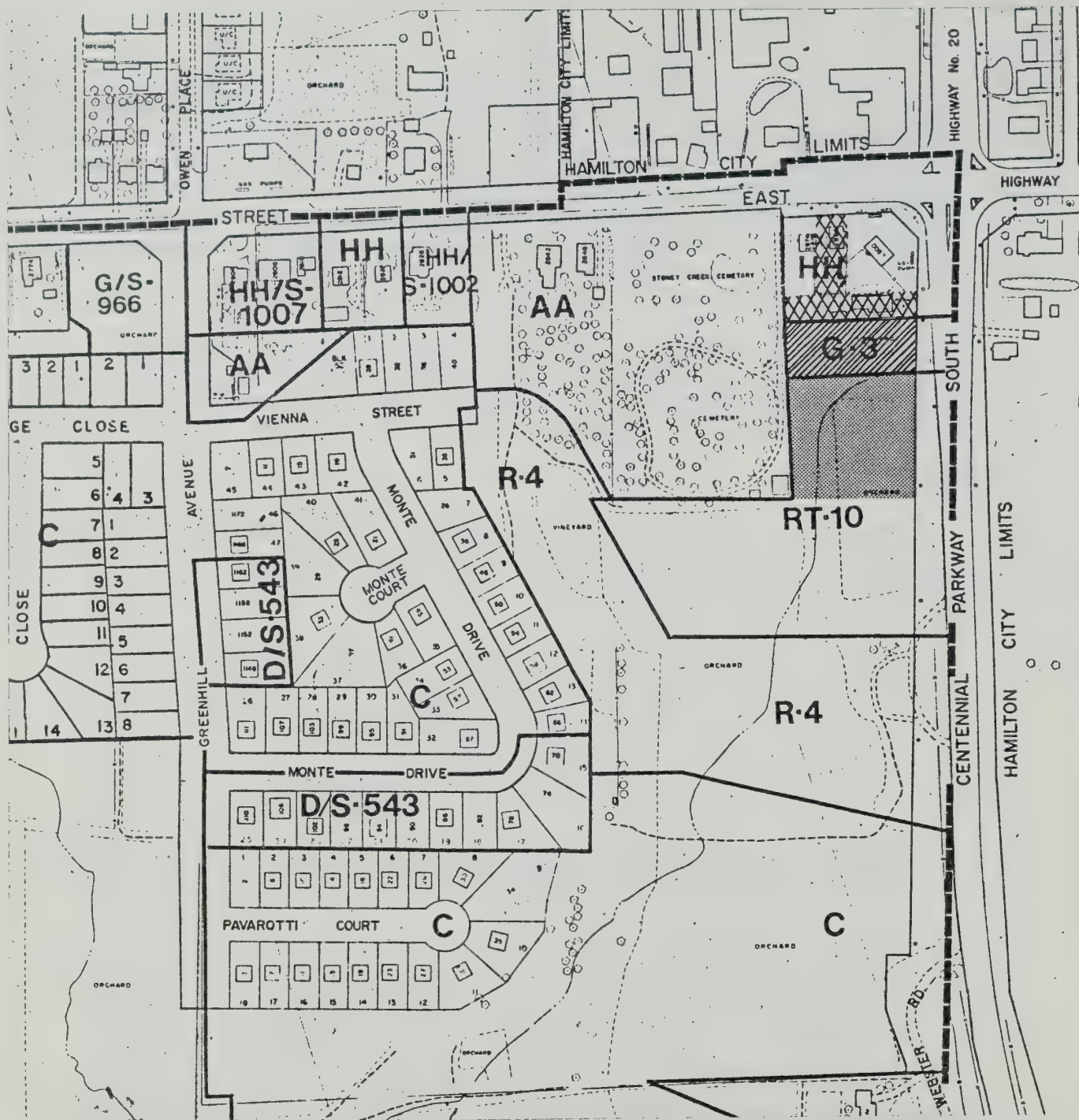
Considering the impact of the traffic generated by the proposed development, this department cannot support the proposed rezoning and supports the development of the subject lands in accordance with the approved neighbourhood plan".

#### COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to redesignate the southerly portion of the property (Block "2" - APPENDIX "A") from "RESIDENTIAL" to "COMMERCIAL".
2. The proposal conflicts with the intent of the approved Gershome Neighbourhood Plan. Approval of the application would require an amendment to redesignate the southerly portion of the property (Block "2" - SCHEDULE "A") from "ATTACHED HOUSING" to "COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
  - it conflicts with the intent of the Official Plan and the Approved Gershome Neighbourhood Plan which designate the southerly portion of the property (Block "2" - SCHEDULE "A") for "RESIDENTIAL" use;
  - traffic generated by the development would have a significant negative impact on the operation of the intersection of King Street East and Centennial Parkway South; (see Traffic and Engineering Department comments);
  - there is an adequate supply of commercially designated and zoned lands in the surrounding area to serve the needs of the Neighbourhood, including 1.0 ha (2.5 acres) at the south-east corner of King Street East and Greenhill Avenue, and 1.6 ha (4.0 acres) at the south-west corner of King Street East and Greenhill Avenue; and
  - approval of the application would set an undesirable precedent for future similar applications in the surrounding area.

#### CONCLUSION

On the basis of the foregoing, the application cannot be supported.



CITY OF HAMILTON

## APPENDIX "A"

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend

#### Proposed Change in Zoning From:

##### BLOCK 1



"G-3"(Public Parking Lots) district to "HH"(Restricted Community Shopping and Commercial) district.



##### BLOCK 2

"RT-10"(Townhouse) district to "HH"(Restricted Community Shopping and Commercial) district.

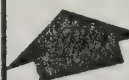


##### BLOCK 3

#### Adjoining Lands

Lands to be developed in conjunction with subject lands (e.g. Blocks 1&2)

NORTH



Scale  
Not to Scale

Date  
October 28, 1988

Reference File No.  
ZA 88-85

Drawn By  
F.V.



Ontario

THE  
NIAGARA  
PARKS  
COMMISSION

P.O. Box 150  
Niagara Falls,  
Ontario, Canada  
L2E 6T2  
(416) 356-2241

NOV 22 1988

PAMELA VERRILL WALKER, B.A., LL.B.  
*Chairman*

DENNIS W. SCHAFER, B.Sc.F.  
*General Manager*

November 15, 1988.

The Corporation of the  
City of Hamilton,  
71 Main Street W.,  
Hamilton, Ontario.  
L8N 9Z9

Attention: Secretary,  
Planning & Development Committee.

Re: Application ZA88-85

The Niagara Parks Commission does not object to these zoning changes. For future notices with respect to Stoney Creek Battlefield Park, we would appreciate a notice also to be forwarded to the City of Stoney Creek, who will be taking care of the Park on our behalf.

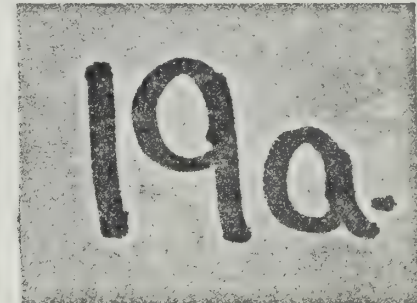
Thank you for bringing this matter to our attention and we would appreciate a copy of your decision.

Yours truly,

David Gillis,  
Properties Manager.

DG:hm

cc: City of Stoney Creek,  
Planning Department.









F O R   A C T I O N

20.

REPORT TO:        SUSAN REEDER, SECRETARY  
                         PLANNING AND DEVELOPMENT COMMITTEE

FROM:             J. D. THOMS, COMMISSIONER  
                         PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 16  
COMM FILE:  
DEPT. FILE: ZA-88-90  
                 Durand  
                 Neighbourhood

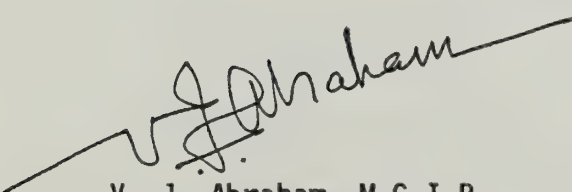
SUBJECT:

Request for a change in zoning - Nos. 99 Duke Street and 191 Bay Street South.

RECOMMENDATION

That Zoning Application 88-90, Louis Levy, prospective owner, requesting a change in zoning from "E-3" (High Density Multiple Dwellings) District to "DE-3" (Multiple Dwellings) District, modified to permit the conversion of the existing multiple dwelling (4 plex) into offices for accountants and lawyers, for lands located at Nos. 99 Duke Street and 191 Bay Street South, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i)     The proposal conflicts with the intent of the Official Plan and approved Durand Neighbourhood Plan which designates the subject land for "RESIDENTIAL" use;
- ii)    Approval of the application would undermine the residential character of the area, and eliminate an established residential use;
- iii)   No evidence has been submitted in support of the application to demonstrate that the subject building is no longer appropriate for "RESIDENTIAL" use; and
- iv)    Approval of the application would set an undesirable precedent for future similar applications in the surrounding area.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### ● Proposed Development

The applicant has requested a change in zoning from the "E-3" (High Density Multiple Dwellings) District to the "DE-3" (Multiple Dwellings) District, modified to permit the conversion of the existing four-plex into offices for accountants and lawyers.

### ● By-law No. 86-330

At its meeting of November 26, 1986 City Council passed By-law No. 86-330. The purpose of the By-law was to provide for a change in zoning from "E-3" (High Density Multiple Dwellings) District to "DE-3" (Multiple Dwellings) District modified, for the lands adjoining the subject property (No. 95 Duke Street).

The effect of the By-law was to permit restricted residential and office commercial uses within the existing building, thereby facilitating the preservation of an architecturally significant building.

## APPLICANT

Louis Levy, prospective owner.

## LOT SIZE AND AREA

The subject property has approximately:

- 23.1 m (75.91 ft.) of frontage on Duke Street;
- 31.0 m (101.67 ft.) of frontage on Bay Street South; and
- 692.0 m<sup>2</sup> (7, 449 sq.ft.) of lot area.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Multiple Dwelling (4 plex)	"E-3" (High Density Multiple Dwellings) District.
<u>SURROUNDING LANDS</u>		
to the north	Residential Care Facility and Three Family Dwelling	"E-3" (High Density Multiple Dwellings) District.

to the south	Three Family Dwelling and Multiple Dwelling	"E-3" (High Density Multiple Dwellings) District.
to the east	Offices and Multiple Dwellings	"DE-3" (Multiple Dwellings) District modified, and "E-3" (High Density Multiple Dwellings) District.
to the west	Multiple Dwellings	"E-3" (High Density Multiple Dwellings) District.

#### OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan, and are also located within "SPECIAL POLICY AREA 3" on Schedule "B".

Policy 2.1.7 of the Plan states:

"In order to preserve and utilize older buildings no longer appropriate for RESIDENTIAL USE, and to provide a specialty type of Commercial service in proximity to the central area of the City, Council may permit the conversion of existing RESIDENTIAL buildings located in high-density RESIDENTIAL areas for Commercial Uses such as financial offices, as may be identified through the preparation of Neighbourhood Plans."

However, since the building is currently being utilized for residential purposes (4 plex), and is located in a predominately stable residential area, it cannot be deemed inappropriate for residential use.

In addition, the following Policy states that redevelopment will ensure that the residential character of the area will be maintained:

"A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services".

On the basis of the foregoing, the proposal does not comply with the intent of the Plan. Approval of the application would require an Amendment to introduce a "SPECIAL POLICY AREA" to permit the proposed office uses.

#### NEIGHBOURHOOD PLAN

The subject lands are designated for "HIGH DENSITY APARTMENTS" in the approved Durand Neighbourhood Plan, the proposal does not comply. Approval of the application would require an amendment to redesignate the lands to "COMMERCIAL".



## RESULT OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - Hamilton Region Conservation Authority;
  - Traffic Department.
- LACAC has advised as follows:

"We are in agreement with the low-rise 'DE-3' zone as it would encourage retention of this listed building".
- The Building Department has advised as follows:

"Subject to Section 18A of Zoning By-law #6593 for parking and loading requirements based on floor area and uses".
- The Hamilton-Wentworth Department of Engineering has verbally advised that they have no objection.

## COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to establish a "SPECIAL POLICY AREA" to permit the proposed office uses within the "RESIDENTIAL" designation.
2. The proposal does not comply with the approved Durand Neighbourhood Plan. Approval of the application would require an amendment to redesignate the subject lands from "HIGH DENSITY APARTMENTS" to "COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
  - o it conflicts with the intent of the Official Plan and Approved Durand Neighbourhood Plan, which designate the subject lands for "RESIDENTIAL" use;
  - o approval of the application would undermine the residential character of the area, and eliminate an established residential use;
  - o no evidence has been submitted in support of the application to demonstrate that the subject building is no longer appropriate for "RESIDENTIAL" use; and
  - o approval of the application would set an undesirable precedent for future similar applications.

It should be noted, that the circumstances respecting the approval of the previous zoning application on the adjoining lands (see BACKGROUND - By-law No. 86-330) were significantly different than the subject application. More specifically, By-law 86-330 was approved in order to preserve the architecturally significant building at No. 95 Duke Street, which otherwise would have been demolished for apartment development in conjunction with adjoining lands (Polo Club). Whereas, the subject property is not jeopardized by planned redevelopment.

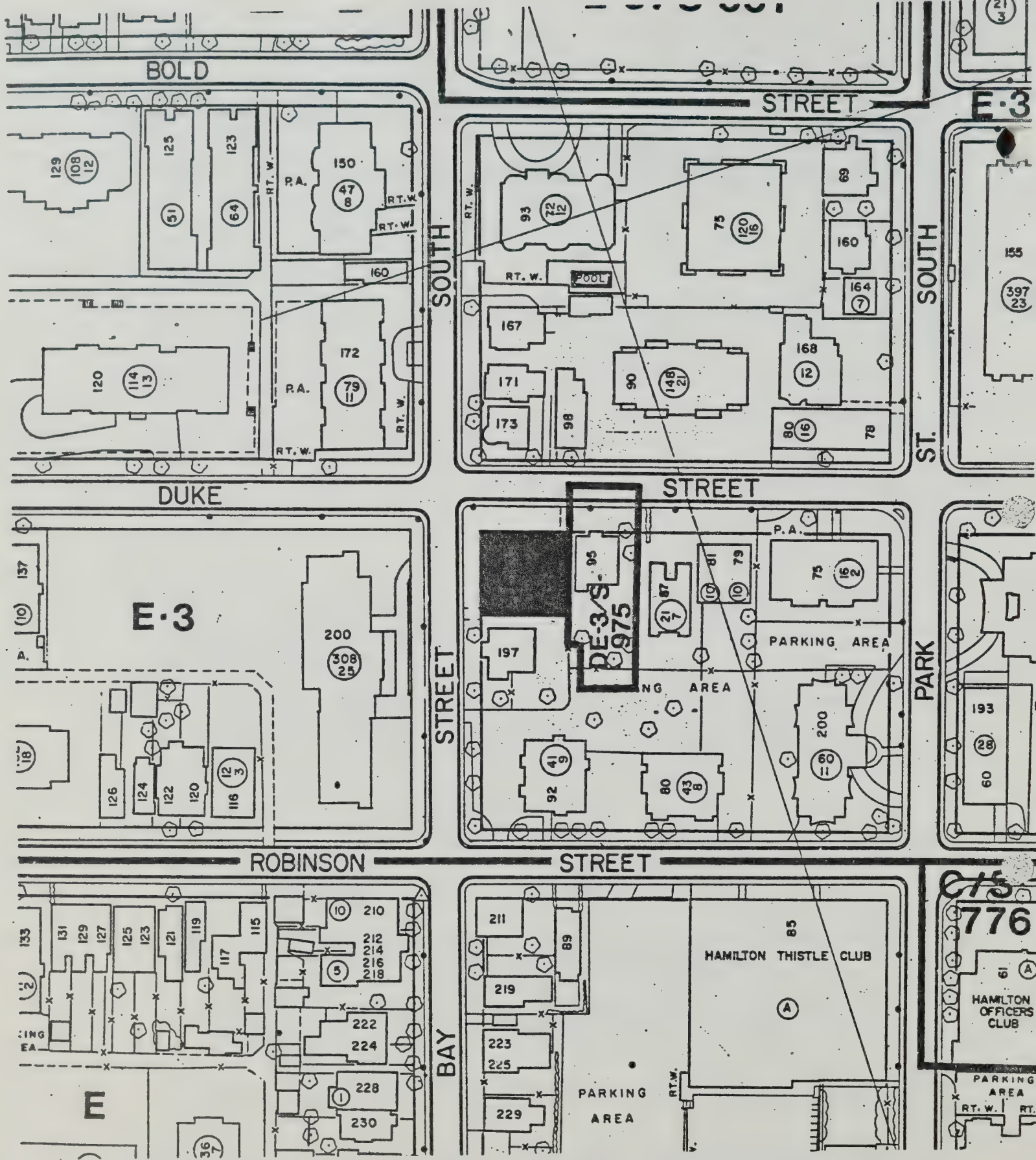


CONCLUSION

On the basis of the foregoing, the subject application should be denied.

PDM/ma

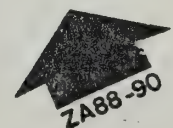
WP0482P



Legend



Site of the Application





NOV 22 1988

200 Park St. South

Hamilton

November 17th. 1988

Gentlemen,

My husband and I strongly oppose the zoning change of 99 Duke St. and 191 Bay St.

Firstly you allowed a change of zoning on the property of the Officers Club in Robinson St. then we had the noise of the building in Duke St. near Park St, to which we opposed then, and, you are allowing a building across the street from us on the Thistle Club grounds. This building will take away some of our view of the mountain.

Plus all this, alterations have been in effect at El Duke for over eight weeks, and the noise is intolerable.

We beg you to consider all this rezoning. Enough is enough.

Sincerely,

Phyllis Revell and

Alfred Revell

*P. Revell*  
*A. Revell*

PROPOSED CHANGE IN ZONING FROM E-3 TO DE-3, MODIFIED

PROPERTY DESCRIPTION - NOS 99 DUKE STREET AND 191 BAY STREET SOUTH

I AM IN FAVOUR OF ( )

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

.....  
REVELL PHYLLIS OR OCCUPANT  
REVELL ALFRED FOSTER  
200 PARK ST S APT 11B  
HAMILTON, ONT

L8P 3G1

.....  
FILE-ZA83-90 SEQ-01834

*G. P. Revell*.....SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445



20b

NOV 21 1988

November 19/88

ZA88-90.

I oppose this since it will  
be taking away housing dwellings  
It is also putting commercial business  
within a residential area.

If it was changed to a higher  
density multiple housing dwelling  
I would agree with it. There is  
enough business dwellings <sup>downtown</sup> not enough housing

Also, please correct my name on  
your records. it is HEARST not  
HUARST

Thanks for considering  
my opinion

Sincerely

Lesson V. Hearst

125 Bold St. Apt 66

Hamilton, Ont L8P 1N2



CAY ON HBL AOS  
CSIP4

E. A. SIMPSON  
CITY CLERK

K. E. AVERY  
DEPUTY CITY CLERK



CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4

## THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

*Dec.*  
1988 - ~~November~~ 7

### NOTICE OF MEETING

Planning and Development Committee  
Wednesday, 1988 ~~November~~ *Dec.* 14  
2:00 o'clock p.m.  
Room 233, City Hall

*Susan K. Reeder*  
Susan K. Reeder  
Secretary

SKR:wmr

NOTE: The Zoning Applications will be heard at 3:00 p.m. in the Council Chambers.

### A G E N D A

1. Minutes of the meeting held Wednesday, 1988 November 9th.  
(Copy to follow.)

#### BUILDING COMMISSIONER

2. Demolition Permit Application
3. Transfer of Funds

#### DIRECTOR OF PROPERTY

4. Capital Project for 1989-1993.

#### MANAGER OF PURCHASING

5. Installation of Lighting Fixtures and Poles, Westdale Village.
6. Supply and Delivery of Lighting Fixtures & Poles, Westdale Village.







COMMISSIONER OF ENGINEERING

7. Severance Application H-150-88, Upper Wellington Street  
(Cash Payment in Lieu of 5% Parkland Dedication)
8. "Eaglewood Manor", Hamilton  
(Cash Payment in lieu of 5% Parkland Dedication)

CITY CLERK

9. Citizen Appointments to the Local Architectural Conservation  
Advisory Committee.

DIRECTOR OF LOCAL PLANNING

10. Draft Plan of Subdivision 88-17, "Blossom Estates", for property  
located on the east side of West 5th Street, in the area north of  
Stone Church Road West; Kernighan Neighbourhood.
11. City Initiative 88-M - Residential Enclaves - Harbour Zoning.
12. Exclusionary Zoning and the draft Provincial Housing Policy  
Statement - Resolution from the Township of Kingston.

ZONING APPLICATIONS  
COUNCIL CHAMBERS

3:00 O'CLOCK P.M.

13. Zoning Application 88-76 for property at 1167 Rymal Road East, Rymal  
Neighbourhood.
14. Zoning Application 88-73 for property at 17 Fairmount Avenue,  
Kirkendall South Neighbourhood.
15. Zoning Application 88-56, for property at 106 and 108 Canada Street,  
Kirkendall North Neighbourhood.

3:15 O'CLOCK P.M.

16. Zoning Application 88-89, for property at 66 and 70 Kennedy Avenue,  
Kennedy East Neighbourhood.



3:30 O'CLOCK P.M.

17. Zoning Application 88-84, for property at 581 and 583 King Street West, Strathcona Neighbourhood. (No copy)
18. Zoning Application 88-86, for property on the east side of Upper Wellington Street in the area south of Stone Church Road East; Barnstown Neighbourhood.
19. Zoning Application 88-81, for property at 105 Aberdeen Avenue; Durand Neighbourhood.

(a)Letter of Submission - Mr. and Mrs. Cairns, 323 Bay Street South.

4:00 O'CLOCK P.M.

20. City Initiative 88-J - Amendment to the "M-12", "M-13", "M-14" and "M-15" District regulations.
21. City Initiative 87-F - Amendment to the "M-14" and "M-15" District regulations for lands in the mountain Industrial area.

(a)Letter of submission - Anthony Zarccone, 819 Brucedale Avenue East

22. City Initiative 86-U - Amendment to Zoning By-law 6593 with respect to "Flea Markets"

4:30 O'CLOCK P.M.

23. Gourley Neighbourhood Plan

(a)Letter of submission - Brian Morison

24. Other Business

25. Adjournment





*FOR ACTION*

2.

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: December 6, 1988

COMM. FILE:

DEPT. FILE:

SUBJECT:

DEMOLITION

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for the demolition of the following property: -

A. 18 Rymal Road West

FINANCIAL IMPLICATIONS: N/A

A handwritten signature in dark ink, appearing to be 'P. Kuppe', is written over the 'FINANCIAL IMPLICATIONS' section.

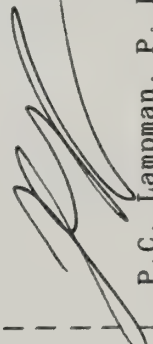
BACKGROUND:

For background information see attached sheet.

# DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	18 Rymal Road W.	S.F.D.	Mall	50.00' X 439.56'	Rosart Properties	"G-1/S 1051a"	It is recommended that the Committee approve demolition

  
 P.C. Lampman, P. Eng.,  
 Manager Plan Examination

3.

**FOR ACTION**

**REPORT TO:** Susan K. Reeder, Secretary, Planning and Development Committee. 7

**FROM:** Mr. P. Kuppe, P. Eng.,  
Building Commissioner,  
Department of Buildings.

**DATE:** 1988. December 1st.  
**COMM FILE:**  
**DEPT FILE:** 88.5.10.

**SUBJECT:** Transfer of funds to Acct. # 0344-01-24 ( Books & Library Expenses )  
( \$ 1,500.00 overall ).

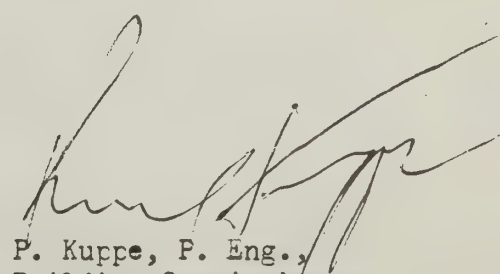
**RECOMMENDATION** That the amount of \$ 500.00 be transferred to Acct. # 0344-01-24 from Acct. # 0344-01-21 ( Office Supplies and Stationery ) together with the amount of \$ 500.00 from Acct. # 0344-01-27 ( Uniforms and Accessories ) to Acct. # 0344-01-24, and \$ 500.00 from Acct. # 0344-01-19 ( Contractual Services ) to Acct. # 0344-01-24. making an overall increase of \$ 1,500.00 to the appropriation in Acct. # 0344-01-24.

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)** Acct. # 0344-01-21 will be reduced in the amount of \$ 500.00, as will Account # 0344-01-27 and Account # 0344-01-19.

Acct. # 0344-01-24 will be increased by

the amount of \$ 1,500.00

**BACKGROUND** The resulting total of \$ 1,500.00 will cover proposed orders of standards and books for 1988 as well as eliminating the present overdraft of \$ 93.50 as indicated in the Budget Expenditures Account Balances of November 18th, 1988.

  
P. Kuppe, P. Eng.,  
Building Commissioner.

c.c. Mr. E. Matthews, City Treasurer.  
c.c. Mr. P. Lampman, P. Eng.,  
Director of Plan Examination.

FSR/fsr.





FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 November 30  
COMM FILE:  
DEPT FILE: (2719)

SUBJECT: Capital Project for 1989 - 1993

RECOMMENDATION:

That the following project of the Hamilton Housing Company Ltd. be forwarded to the Executive Committee for consideration in the 1989-1993 Capital Budget:

<u>Project</u>	<u>Cost</u>	<u>Year</u>
Upgrade Heating and Electrical System - Ada Pritchard and Macassa Park Apts.	\$150,000	1990

  
D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:

The provision for the upgrading of the heating and electrical systems at the Ada Pritchard and Macassa Park Senior Citizens Apartment Buildings was contained in the 1988-1992 Capital Budget. Therefore, this current submission is actually a continuation of the present allowance of \$150,000 to upgrade the systems.

The heating system of the buildings is original (approximately 28 years of age) and has been the source of constant repairs and complaints of heat control from tenants.

A consultant has been retained to study the buildings and determine for us the best and most energy efficient heating systems for the premises. Once we obtain the report and analyze same, we will then be in a position to finalize the costs associated with the improvements which are planned for the spring of 1990.

c.c. - Mr. E.C. Matthews, City Treasurer - Attention: Mr. B. Hotrum  
Attention: Mr. R. Underhill  
- Mr. R. Swan, Manager, Property Maintenance Division  
- Mr. R. Martiniuk, Manager, Architectural Division  
- Mr. M.C.J. Watson, Manager, Real Estate Division Attn: J. Skelton  
- Mr. J. Thompson, Secretary, Hamilton Housing Company Limited

City of Hamilton  
Treasury

1989-1993 CAPITAL BUDGET  
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Hamilton Housing Company Limited
2. (a) PROJECT NUMBER: \_\_\_\_\_  
(b) PROJECT NAME: To Upgrade the Heating and Electrical System-Ada Pritchard & Macassa Park Apartments
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:  
Replace Heating System at the Ada Pritchard & Macassa Park Apartments  
Approximately \$100,000.00  
Modernize the Electrical System at the Ada Pritchard & Macassa Park Apartments  
Approximately \$50,000.00  
Awaiting Report and Firm Prices from Consultants
4. (a) PROJECT STARTING DATE: Spring 1990  
(b) PROJECT FINISHING DATE: By August 31, 1990  
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: \_\_\_\_\_
5. (a) GROSS COST OF PROJECT  
IN YEAR-OF-START DOLLARS: \$ 150,000.00 approximately  
(b) SUBSIDIES AND OTHER RECEIPTS: \$ \_\_\_\_\_  
(c) CITY'S COST: \$ \_\_\_\_\_
6. (a) YEAR OF EXPENDITURE - 1989 \$ \_\_\_\_\_  
- 1990 \$ 150,000.00  
- 1991 \$ \_\_\_\_\_  
- 1992 \$ \_\_\_\_\_  
- 1993 \$ \_\_\_\_\_  
- 1994 AND AFTER \$ \_\_\_\_\_
- (b) TOTAL NUMBER OF PERSON YEARS CREATED: \_\_\_\_\_
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: \_\_\_\_\_
8. ADDITIONAL ANNUAL OPERATING COST: \$ \_\_\_\_\_
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE OR CITY COUNCIL:  
Seniors may have to Vacate Buildings
10. HAVE YOU PRESENTED THIS PROJECT BEFORE? YES ☒ NO ☐  
IF YES, PLEASE INDICATE FOR WHAT YEAR 19 89

[Signature]  
Signature of Department Head/Local  
Board Manager  
(for Standing Committee)

November 11, 1988

Date

\_\_\_\_\_  
Signature of C.A.O.  
(for Executive Committee)

Date

FOR ACTION

5.

REPORT TO: MRS. S. K. REEDER, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER  
PURCHASING

DATE: 1988 November 29  
COMM FILE:  
DEPT FILE:

SUBJECT: INSTALLATION OF LIGHTING FIXTURES & POLES, WESTDALE VILLAGE

RECOMMENDATION

That a purchase order be issued to Weinmann Electric Ltd., Fort Erie in the amount of \$35,738.00 for the Installation of Lighting Fixtures and Poles for Westdale Village, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in Commercial Improvement Programme; Westdale Village Account #0405-K75205.

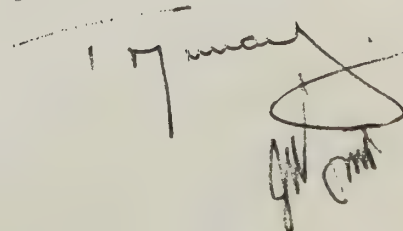
As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

  
T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)  
See above RECOMMENDATION

BACKGROUND

Eight electricians were requested to bid. Two declined because of work load and five did not respond.

17 May 88 5:11.50  






FOR ACTION

6.

REPORT TO: MRS. S. K. REEDER, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER  
PURCHASING

DATE: 1988 November 29  
COMM FILE:  
DEPT FILE:

SUBJECT: SUPPLY & DELIVERY OF LIGHTING FIXTURES & POLES, WESTDALE VILLAGE

RECOMMENDATION

That a purchase order be issued to Wesco, Hamilton in the amount of \$44,609.19 for the supply and delivery of Lighting Fixtures and Poles for Westdale Village, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Commercial Improvement Programme; Westdale Village Account #0405-K75205.

As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

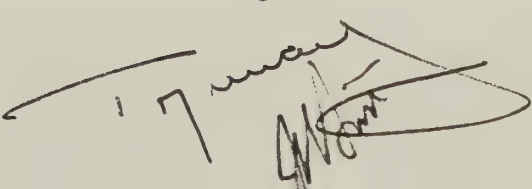
  
T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

See above RECOMMENDATION

BACKGROUND-Tender Analysis

Wesco, Hamilton	\$44,609.19
Westburne Electric, Hamilton	45,040.34
Nedco, Hamilton	46,056.60
Harwell Electric Supply, Hamilton	47,093.40

17  
88.11.30  




F O R   A C T I O N

7.

REPORT TO:   MS. S. REEDER, SECRETARY  
                  PLANNING AND DEVELOPMENT COMMITTEE

FROM:           G. S. SPENCER,  
                  COMMISSIONER OF ENGINEERING

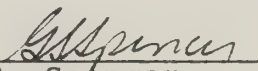
DATE: 1988 December 5  
COMM FILE:  
DEPT FILE: S726-84  
ID#0043D

SUBJECT:

Severance Application H-150-88, Upper Wellington Street, Hamilton  
(cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

- (a)   That the Corporation of the City of Hamilton accept the sum of \$30,200.00 as cash payment in lieu of the 5% dedication in connection with Severance Application H-150-88 on the east side of Upper Wellington Street between Stone Church Road and Brigade Drive, this being the cash requirement under Section 52 of the Planning Act.

  
\_\_\_\_\_  
G. S. Spencer  
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owners of the above referenced development will be executing a Modified Subdivision Agreement with the City of Hamilton in the near future. A copy of the Reference Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for 5% cash payment in lieu of Parkland dedication. The owners of this development, Wellington Chase Inc. have an existing credit balance remaining from "Wellington Chase - Phase 1, Stage 3" in the amount of 1,014.79m<sup>2</sup>. This development requires a total Parkland dedication of 1,832.0m<sup>2</sup>. The owner falls short of this requirement by 808.21m<sup>2</sup>.

Cont'd...

-Page 2-  
December 5, 1988

Severance Application H-150-88, Upper Wellington Street, Hamilton  
(cash payment in lieu of 5% Parkland Dedication)

Cont'd...

Therefore he is required to pay in cash, the estimated market value of 808.21m<sup>2</sup> of land.

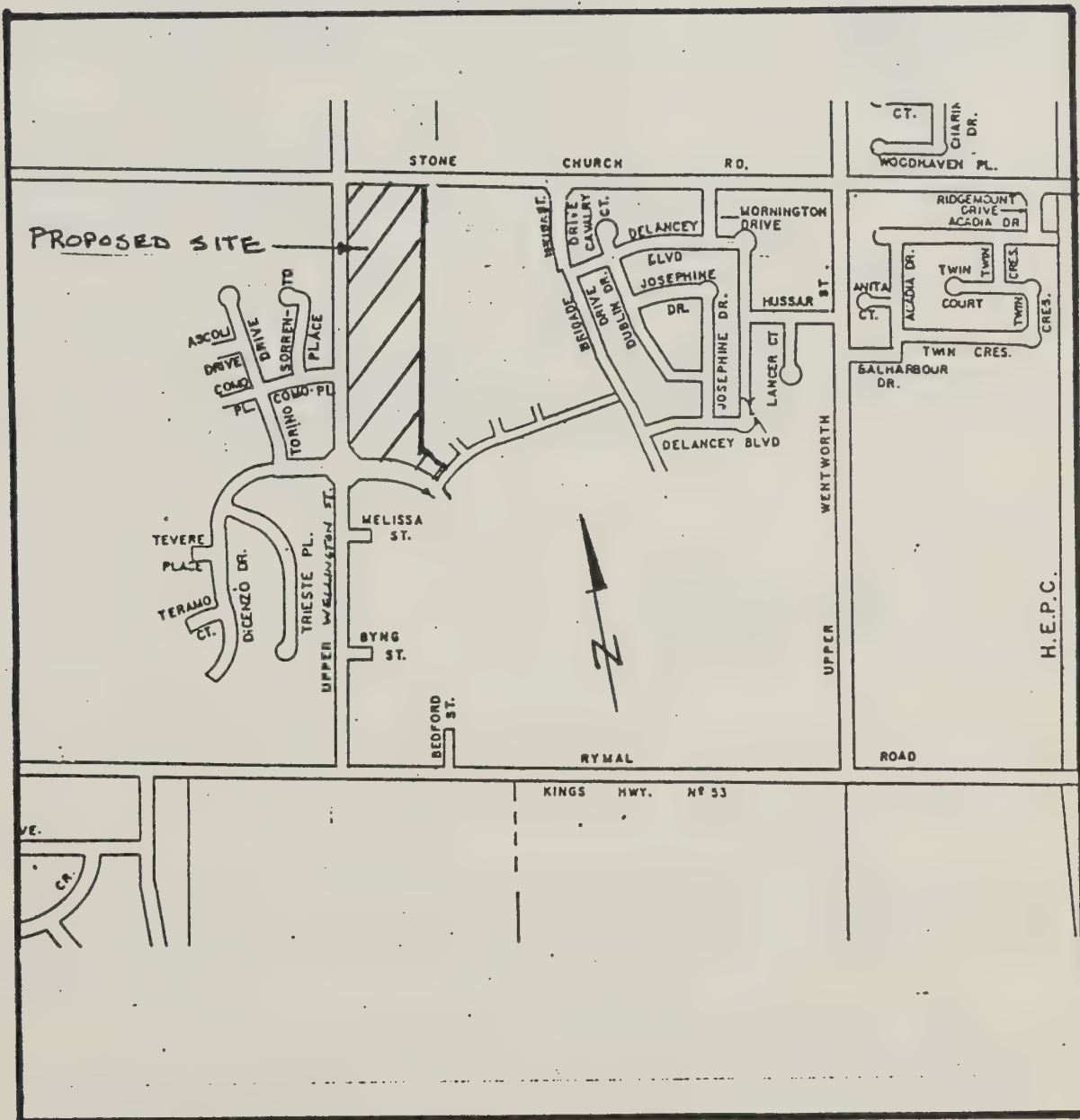
The amount to be included in the Modified Subdivision Agreement has been calculated to be \$30,200.00.

NOTE: These lands are located north of Rymal Road East and West of Upper Wentworth Street in the Barnstown Neighbourhood, Hamilton.

*cau* CAU:jd

cc: D. Consoli, City Treasury Department





KEY PLAN

SCALE: 1:12,000



DE

8.

F O R A C T I O N

REPORT TO: MRS. S. REEDER, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,  
COMMISSIONER OF ENGINEERING

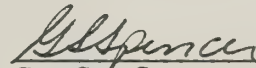
DATE: 1988 December 7  
COMM FILE: S705-23  
DEPT FILE:  
ID#0043D (43)

SUBJECT:

"Eaglewood Manor", Hamilton  
(Cash Payment in lieu of 5% of Parkland Dedication).

RECOMMENDATION

- (a) That the City of Hamilton accept the sum of \$15,450.00 as cash payment in lieu of 5% dedication in connection with "Eaglewood Manor", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

  
G. S. Spencer  
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owner of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

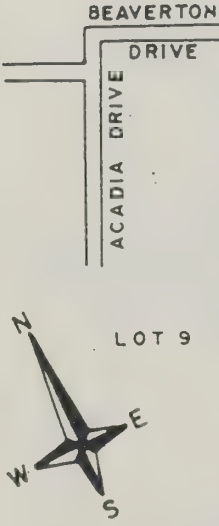
In accordance with normal City procedure, the City and Regional staff completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$15,450.00.

NOTE: These lands are located west of Upper Gage Avenue and south of Stone Church Road in the Eleanor Neighbourhood.

CAU:sw  
Encl.

cc: D. J. Consoli, City Treasury Department

## KEY MAP





DEC 7 1988

Corporation of the City of Hamilton  
Memorandum

\*\*\*\*\*

TO: Mrs. S. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. E.A. Simpson  
City Clerk

OUR FILE:

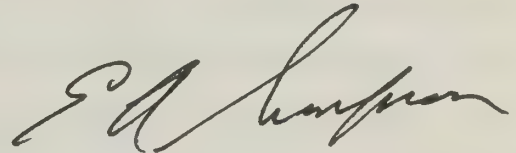
PHONE: 526-3994

SUBJECT: CITIZEN APPOINTMENTS TO THE LOCAL  
ARCHITECTURAL CONSERVATION ADVISORY  
COMMITTEE

DATE: 1988 December 6

Attached is a listing and letters of application for citizen appointments to the Local Architectural Conservation Advisory Committee.

Kindly forward the attached to the Planning and Development Committee for review and appointment.



CC/mec

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE  
7 TO BE APPOINTED

COMPOSITION	MEMBERS WHOSE TERM OF OFFICE EXPIRES	TERM OF OFFICE
7 Citizens	Robert Brough	November 30/88
2 Council Members	Diane Dent	November 30/88
	Brian Henley	November 30/88
	Howard Mark	November 30/88
	John Nolan	November 30/88
	Jane Rigby	November 30/88
	Gil Simmons	November 30/88

APPLICANTS:

MR. ROBERT BROUGH, 11 Dundurn Street North, Hamilton, L8R 3C8

\*MRS. DIANE DENT, 4 Bull's Lane, Hamilton, L9A 1C7

MR. CRAIG HARTLEY, 162 Herkimer Street, Hamilton, L8P 2H4

MR. BRIAN HENLEY, 19 Alexander Street, Hamilton, L8P 2B1

MS. RITA MICHAEL, 907-981 Main Street West, Hamilton, L8S 1A8

MR. JOHN MOKRYCKE, 117 Mountain Park Avenue, Hamilton, L9A 1A1

MRS. M. JANE RIGBY, 74 George Street, Hamilton, L8P 1C9

MRS. GIL SIMMONS, 449 Bay Street North, Hamilton, L8L 1N2

\_\_\_\_\_ Denotes a person who is an incumbent on the Committee

\* Denotes a person who has applied to more than one (1) Committee



RECEIVED

15 November 1988

NOV 15 1988

CITY CLERKS

Mr. E. Simpson, City Clerk  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Sir:

Please accept this letter as my application for a position on the Local Architectural Conservation Advisory Committee.

Presently, I am chairman of LACAC's Research Sub-Committee, and have been involved with LACAC since 1979.

In 1979 I graduated with a degree in Architecture from the University of Toronto. My thesis project contained a review and analysis of the history of urban form in Hamilton, including the major redevelopment schemes of the 60's and 70's.

In 1987 I became a registered Architect and in 1988 became an Associate in the firm of Anthony Butler Architect Inc.

I have been a member of the Hamilton branch of the Architectural Conservancy of Ontario, served on its executive, and most recently acted as a judge for the 1988 McQueston Awards in Architectural Construction.

I trust this brief review of my education and continuing activities indicates both my interest and qualification for the position. If you need any further information, please do not hesitate to contact me.

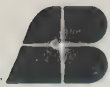
Yours truly,

*Robert Brough*

Robert Brough, B. Arch, OAA

Associate  
ANTHONY BUTLER ARCHITECT INC.

encl.  
RB:mg



ROBERT BROUGH, B. Arch, OAA

Associate

Education      Centre for Conservation Studies  
Institute of Advanced Architectural Studies  
University of York, York, England, 1985.

"The Conservation of Historical Structures"

Bachelor of Architecture, University of Toronto, 1979.

Thesis involved a study of the history of urban form in Hamilton, including an analysis of urban renewal in the city from 1959 to 1979.

Memberships    Ontario Association of Architects  
Association for Preservation Technology  
Architectural Conservancy of Ontario

Experience

1988            Associate, Anthony Butler Architect Inc.

1983-1988      Anthony Butler Architect Inc.

1982-1983      Arthur Erickson Architects. Joint venture with the Webb Zerafa Menkes Housden Partnership for King Abdulaziz University, Jeddah, Saudi Arabia

1981-1982      Filer Consultants Ltd., Hamilton

1980            Jackson Greenen Down and Partners, Bournemouth and Winchester, England  
Town Centre developments in Wimborne Minster, Ringwood, and Southend-on-Sea  
Renovations and restorations to Milton Abbey School, Milton Abbas, Dorset

1979            Arthur Erickson Architects  
Winning competition entry for the redevelopment of the Bunker Hill area, Los Angeles, California

1976            LACAC .  
Summer        Research and photography for Durand Neighbourhood Survey

1976-1977      Arthur Erickson Architects  
Roy Thompson Hall  
National Gallery Competition



Professional  
and Related  
Activities

Member, Local Architectural Conservation Advisory  
Committee (LACAC), Hamilton (1984 to date);  
Chairman Research Subcommittee (1981 to date)

Involved in Durand Neighbourhood Survey, Report on  
Heritage Significance of Gore Park, Report on  
Potential Heritage Conservation Districts,  
Industrial Survey, Potential Heritage Conservation  
District for MacNab Street South, North End Survey.

Member, James Street North Heritage Conservation  
District Advisory Committee.

Past Treasurer, Hamilton-Niagara Branch,  
Architectural Conservancy of Ontario

November 14, 1988

Attention Mr Simpson, City Clerk,

In response to the advertisement  
in the Hamilton Spectator, I wish  
to apply to be a member of the  
Hamilton L.A.C.A.C. As the current  
chairman I am aware that there are  
many issues to resolve and  
accomplishments to celebrate. Therefore,  
I request your permission to  
serve another term.

Yours truly,

Joan G. Dent

Mrs. P.B. Dent,  
4 Bullislane,  
Hamilton, Ont.  
L9A 1C7

RECEIVED

NOV 15 1988

CITY CLERKS

RECEIVED

NOV 2 1988

Mr. Craig Hartley  
162 Herkimer Street  
Hamilton, Ontario  
L8P 2H4

CITY CLERKS

RECEIVED

NOV 2 1988

CITY CLERKS

November 02, 1988

DELIVERED BY HAND

Mr. E.A. Simpson  
City Clerk  
Hamilton City Hall

Dear Mr. Simpson:

RE: Local Architectural Conservation  
Advisory Committee

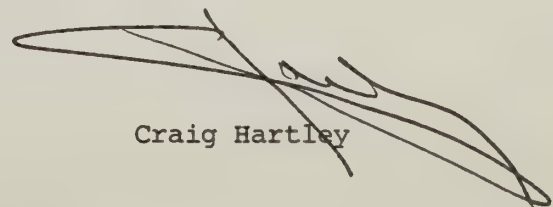
I would appreciate being appointed to the sub-committee "Education" of LACAC.

Since first moving to Hamilton in 1956, I have developed a growing interest and knowledge of architectural history of this community including a personal library. We purchased 162 Herkimer Street, a building built in 1876-79, and have been renovating it since in a manner we feel complements its historical value. Previously we personally renovated 117 Markland Street. Both have been hands on projects.

I am an Account Executive of Richardson Greenshields, located in Jackson Square. As such, I have the ability to attend meetings during the day and evenings.

I can be reached at 527-6631 during the day or at home at 526-9036.

Yours very truly,



Craig Hartley

Mr. Ed Simpson,  
City Clerk,  
Corporation of the City of Hamilton,  
71, Main Street West,  
Hamilton, Ontario,  
L8P 1L4

RECEIVED

NOV 1 1988

CITY CLERKS

November 1, 1988

Dear Mr. Simpson:

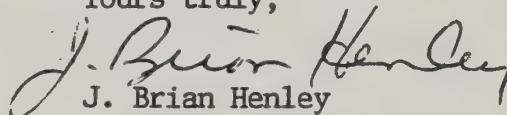
I would hereby like to forward my application to continue my membership with the Local Architectural Conservation Advisory Committee (LACAC).

While I do not profess to be an expert on architecture, I feel my knowledge of Hamilton's local history would continue to be a welcome addition to the committee's deliberations.

I also have served as LACAC's representative on the Hamilton Historical Board, and would be interested in continuing in that role.

Finally, as I work in downtown Hamilton, and live within a five minutes' walk of City Hall, attendance at meetings is no inconvenience, and I can be counted on to make up a quorum.

Yours truly,

  
J. Brian Henley





# HAMILTON-WENTWORTH ARCHAEOLOGICAL FOUNDATION

Box 84, McMaster University Post Office  
Hamilton, Ontario L8S 1C0  
(416) 524-1384

## RECEIVED

NOV 14 1988

November 8, 1988 .....

CITY CLERKS

Mr. E. a. Simpson,  
City Clerk,  
City Hall,  
City of Hamilton,  
71 Main St. W.,  
HAMILTON, L8N 3T4

Dear Sir:

My term of office as a member of the Historical Board will end this year. I have indicated that I do not wish to re-new my participation.

Rather, I would like to be considered for L.A.C.A.C. since I feel that given my expertise in archaeology, I might be of more use to that committee than I feel I have been with the Historical Board.

I would like to work towards having the City of Hamilton consider adding archaeology to the terms of reference of its L.A.C.A.C. since many other Ontario L.A.C.A.C.'s are doing this. Architecture, archaeology and history all go together, and while a structure might not be of architectural significance, it may have some historical significance and vice versa.

My curriculum vitae is attached for your consideration.

Sincerely yours,

*Rita Michael*

Executive Director  
Consulting Archaeologist

# **MICHAEL ARCHAEOLOGICAL SERVICES**

**RITA MICHAEL, M.A.**

**Assessments  
Excavation  
Historical  
Mitigation**

**907-981 Main St. W.  
Hamilton, Ontario  
L8S 1A8  
416-524-1384**

## **CURRICULUM VITAE OF RITA MICHAEL**

## CURRICULUM VITAE

### EDUCATION

B.A. Honours,  
BROCK UNIVERSITY, 1976  
Classical Archaeology and Ancient History

M.A.  
MCMASTER UNIVERSITY, 1979  
Classical Studies

M.A. (pending)  
MCMASTER UNIVERSITY  
History, Thesis: The Marmora Ironworks: An example  
of Failed Entrepreneurship 1820-1830

### ARCHAEOLOGICAL BACKGROUND AND RESEARCH

- 1973        Student archaeologist and Group Leader  
            Brock University Practicum  
            Famagusta (Ancient Salamis) Cyprus  
            Director: Dr. Vassos Karageorphis
- 1973-74    Museum Assistant  
            Museum of Cypriot Antiquities  
            Duties: cataloguing acquisitions, installing  
                    exhibitions, and research
- 1975        Student archaeologist  
            Brock University Practicum  
            Porto Cheli (Ancient Halieis) Greece  
            Joint project of Universities of Pennsylvania  
            and Indiana  
            Director: Dr. Wolf Rudolph  
            Assistant Director: Dr. David Rupp (Brock)
- 1976        Field archaeologist and Site Assistant  
            Benjamin Lent Redware Pottery Project  
            Director: Dr. David Rupp

- 1977      Laboratory Supervisor  
          Previous project (Jordan site)  
          Duties: processing and registering artifacts
- Field archaeologist and Site Assistant  
          Benjamin Lent project
- Field archaeologist  
          Temple Glassworks, Temple, N.H.  
          Boston University  
          Directors: Dr. Frederick Gorman  
                    Dr. David Starbuck
- 1978      Artifact analyst  
          Benjamin Lent project: flat, table and bottle glass  
   clay pipes
- 1979-80   Project archaeologist  
          HOMEWOOD historic site (home of Dr. Solomon Jones)  
          The Ontario Heritage Foundation  
          Project Supervisor: Mr. Herb Stovel
- 1980      Ceramic analysis of refined whitewares from  
          above site  
          "Economic Scaling of Homewood Whitewares"  
          Report on file with O.H.F. Toronto
- Survey archaeologist - team member  
          Liri Valley (Italy) Settlement Pattern Survey  
          Director: Dr. Edith Mary Wightman  
          Professor of Ancient Roman History  
          McMaster University, Hamilton
- Cartographer and photographic cataloguer  
          Above project
- Director  
          John Yeigh Redware Pottery Project (AgHc-1)  
          Funded in part by: The Ontario Heritage Foundation
- 1981-82   Above project continued
- 1982      Director  
          Marmora Ironworks Site (BcGk-2)  
          Thesis related site survey and topographical mapping  
          Funded by: The Ontario Heritage Foundation  
          Sponsored by: The Marmora Historical Society



1982      Director  
The Darnley Mill Site Survey (AhGx-25)  
For: Hamilton-Wentworth Region Conservation Authority  
Program Director: Mr. Brian Laing

1983      John Yeigh pottery project continued

            Director  
Frederick Ashbaugh Redware Pottery Project (AhGx-28)  
Hamilton, Ontario.  
Testing: early 19th century red earthenware pottery  
earliest in Wentworth County

            Research Assistant  
Dr. Edith Mary Wightman  
Projects: Liri Valley Settlement Survey  
            Gallia Belgica (book)  
Duties: photograph cataloguer  
            cartography  
            proof reading

1984      John Yeigh project continued

            Frederick Ashbaugh project continued

            Archaeology workshop for high school students  
McMaster University  
At: Ashbaugh site for one week

1985      Ashbaugh project continued

            Robert Swindle pottery project (AhGx-34)  
Testing of mid 19th century pottery in Dundas, Ontario

1986      John Yeigh project continued

            Frederick Ashbaugh project continued

            Robert Swindle project continued

1987      Above projects continued

            Ashbaugh project supported by a S.E.E.D. grant for  
16 weeks to employ three students

## HISTORICAL RESEARCH

- 1985      Historical profile of the south-west corner block of King and James Streets, Hamilton, prior to re-development to assess feasibility of doing archaeology. Funded jointly by: Dover Park Development and Michael Archaeological Services. Research by Dale Mark.
- 1986      Research continues on: Marmora Ironworks and iron-related endeavours in pre 1840 Ontario.
- Research continues on pre 1840 Ontario redware potters.

CONSULTING - Historic properties

- 1979        The Ontario Heritage Foundation  
            Homewood archaeological assessment  
            1 yr. contract
- 1982        The Hamilton Region Conservation Authority  
            The Darnley Mill Assessment (AhGx-25)  
            2 weeks
- 1982        The Marmora Historical Society  
            Funded by: The Ontario Heritage Foundation  
            The Marmora Ironworks Topographical Mapping  
            6 weeks  
            (thesis research)
- 1987        The Ontario Heritage Foundation  
            Rockwood Academy archaeological assessment  
            7 week contract

CONSULTING - ASSESSMENTS

1985        L. Hann, Morgan's Point  
            17 acres - prehistoric quarry  
            AfGu-50 - mitigation recommended

1986        T. Dicenzo  
            Roma Gardens - 25T-85022  
            Gagliano Gardens - 25T-85031

            Robert William Development Corp.  
            Rembrandt Court Extension - 25T-85023

            J. Mussari  
            Mussari Crescent - 26T-85018

            John Parente  
            Novoco Gardens - 25T-86003

            Odan Corporation  
            Lakewood Gardens Extension - 26T-85002

            William L. Sears & Associates  
            Nash Farm: 25T-85032  
                    25T-86011  
                    25T-86048  
                    25T-860        (Sears File No. 1086005)

            R. Graham  
            Peachtree Estates 26T-86021

1987        DiCenzo  
            Villa d'Este Gardens - 25T-86001

            A. Lacavera  
            College View Estates - 26T-86024

            Benemar Construction  
            Aspen West - 25T-85036

            William L. Sears  
            Tindara Lakeview Estates - 26T-86001

            J. Climenhage  
            Jordon Heights Extension Subdivision 26T-



## LECTURES AND PAPERS

- 1974      Paper  
          "The Julian-Claudians: Another View"  
          For: The Classical Association of Canada
- Lecture  
          "The Art and Archaeology of Cyprus"  
          For: Port Colborne High School
- 1978      Lecture  
          "Cyprus: Its Art and Archaeology"  
          For: McMaster University, Classics Department  
              Graduate Student Society Symposium
- 1979      Paper  
          "The Jordan Pottery Site: An Overview"  
          For: McMaster University  
              Anthropology Students Archaeology Symposium
- 1980      Lecture  
          "Dr. Solomon Jones' 'Homewood'"  
          For: The Grenville County Historical Society
- Note  
          "Was There an Hippocratic School at Kitium During  
          the Ptolemaic Period?"  
          For: Brock University Cyprus Conference
- 1981      Lecture  
          "Excavating Red Earthenware Potteries"  
          for: Glasfax Society
- Paper  
          "The John Yeigh Pottery Site: Preliminary Report"  
          For: McMaster University  
              Anthropology Students Archaeology Symposium
- Lecture  
          "The John Yeigh Pottery Site: Preliminary Report"  
          For: The Brant County Historical Society
- 1982      Lecture  
          "Aspects of Historical Archaeology"  
          For: The Joseph Brant Archaeological Society
- 1983      Paper  
          "The John Yeigh Pottery Site: Preliminary Report"  
          For: The Council for Northeast States Historical Archaeology  
              Amherst, Mass. conference
- Paper  
          "The History & Archaeology of Industrial Sites"  
          For: McMaster University  
              History Graduate Student Symposium

LECTURES AND PAPERS - continued

- 1983      Lecture Series (4)  
          "Early Industry in Upper Canada: Redware Potteries  
          and Ironworks"  
          For: Wentworth Heritage Village
- Lecture Series (10)  
          "Ancient Greek Archaeological Sites"  
          For: McMaster University, Adult Education Dept.
- Lecture  
          "The Archaeology of Redware Potteries"  
          For: The Hamilton Potter's Guild
- Paper  
          "History, Archaeology and Industrial Sites: The Marmora  
          Ironworks"  
          For: The Canadian Science and Technology Historical Assoc.
- 1984      Lecture  
          "Cholera, Thomas Keefer and the Hamilton Pump House"  
          For: McMaster University  
              Lecture and Discussion Series
- Lecture  
          "Cyprus: Its Art and Archaeology from the Stone Age  
          to the Romans"  
          For: McMaster University  
              Lecture and Discussion Series
- As above in Brantford
- Workshop  
          "Canadian Historical Archaeology for the Classroom"  
          For: The Annual Meeting of the Canadian History Teachers  
          Association
- 1985      Lecture  
          "Prosopography, Papaver and Ptolemies"  
          For: McMaster University, History Department
- Lecture  
          "Olympia and the Olympics: An Archaeological View"  
          For: Founders College, York University
- Lecture Series  
          "The Greeks: From Agamemnon to Alexander"  
          Ridley College, St. Catharines
- Paper  
          "The Archaeologist and Client: Developing Realistic  
          Expectations"  
          For: Archaeological Consulting conference  
              Ministry of Citizenship & Culture

LECTURES AND PAPERS - continued

- 1985      Lecture  
          "Frederick Ashbaugh, Wentworth County's First Potter"  
          For: The Ancaster Township Historical Society
- Lecture  
          "Who Were the Romans?"  
          For: Ridley College, St. Catharines, Ontario
- 1986      Lecture  
          "Frederick Ashbaugh: Hamilton's First Potter"  
          For: Head-of-the-Lake Historical Society
- Lecture  
          "Fortress Louisbourg: From Archaeology to Restoration"  
          For: The Archaeological Institute of America, Niagara Peninsula Chapter, Brock University, St. Catharines, Ont.
- Lecture  
          as above  
          For: Altrusa Club, Hamilton, Ontario.
- 1987      Lecture Series (7)  
          "Archaeological Highpoints"  
          For: McMaster University, Adult Education Dept.
- Lecture Series (8)  
          "Cyprus: From the Stone Age to the Romans"  
          For: McMASTER University, Adult Education Dept.

## TEACHING EXPERIENCE

- 1969      Teaching Assistant  
Urban Studies, 1st year course  
For: Brock University  
Professor James Wilson
- 1970      Teaching Assistant  
Greek and Roman Mythology, 2nd year course  
For: Brock University  
Dr. E. Boggess
- 1977      Instructor (10 lectures)  
"Ontario Archaeology: An Introduction"  
For: Niagara College of Applied Arts, Welland
- Teaching Assistant  
Classical Civilization, 1st year course  
For: McMaster University, Classics Dept.
- 1978      Slide Cataloguer and Teaching Assistant  
For: Department of Classics, McMaster University
- 1981      Teaching Assistant  
Ancient History, 2nd year course  
For: Department of History, McMaster University
- 1982      Teaching Assistant  
Canadian Studies, 1st year course (literature)  
For: McMaster University, joint departments of history,  
Sociology and English
- 1984      Instructor and Director  
McMaster University/Ashbaugh Site Archaeology Workshop  
(1 week for high school students)
- Supply teacher  
Hamilton Board of Education  
French, English, German and Latin
- Lecturer  
McMaster University, Adult Education  
(see under lectures)
- 1985-86   Instructor  
Hamilton Board of Education, Adult Education  
32 weeks Ontario Before Confederation



## PUBLICATIONS

- 1982      Note  
          "Mapping the Marmora Ironworks"  
          For: The Ontario Society for Industrial Archaeology  
              Newsletter, fall issue, 1982
- Article  
          "An Imitation Eighteenth-Century Copper Half-penny"  
          For: The Canadian Numismatic Journal, June, 1982
- 1983      Article  
          "Ironworking in Upper Canada: Charles Hayes and the  
          Marmora Ironworks"  
          For: CIM Bulletin, Historical Metallurgy Section  
              January, 1983
- 1984      Index  
          For: Gallia Belgica  
          By: Edith Mary Wightman  
          professor of Ancient Roman History and Archaeology  
          posthumously published by Batsford Press, Oxford, 1985.  
          Professor Wightman was murdered in her office at McMaster  
          Dec. 18, 1983.
- 1987      Book Review  
          Iron by Eric Arthur  
          Submitted to: Journal for Industrial Archaeology

The Following articles in progress:

For: Fusion Magazine, on redware potters  
      Canadian Collector, Upper Canada Potters: The  
      Wentworth County Tradition  
      Ontario History, Ironworking in Upper Canada  
                          Alan McNab and Hamilton's Urban  
                          Development

PERSONAL DATA

Born: Quebec City, P.Q.

Father: Vincent Joseph Short (deceased)

Born, Liverpool, England

Served with distinction in W.W. I with Royal Navy (received special decoration for post-war mine-sweeping duty)

Served with the Royal Canadian Navy Reserve during W.W. II with rank of Chief Petty Officer ERA

Mother: Hannah Griffin-Short (deceased)

Born, Liverpool, England

Immigrated to Quebec in 1911

MARITAL STATUS: Divorced

1 daughter and 2 grandsons

SPECIAL INTERESTS: History in all its aspects; Island of Cyprus; Art History and Architecture; Reading: biography, science, health & nutrition: Ancient world; archaeology (old and new world).

LANGUAGES: Bilingual in French

Speaking knowledge of: Italian, Spanish, German, modern Greek

Reading knowledge of: ancient Greek & Latin; Italian, Spanish, German

TRAVEL: Across Canada many times and know Quebec and Ontario well. Lived in Halifax for one year and in Montreal for seven. Across the U.S. many times with special interest in New England.

England and Continental Europe: Greece and Italy, Germany, and Yugoslavia

## MEMBERSHIPS

The Ancaster Township Historical Society  
The Association of Professional Archaeologists  
The Archaeological Institute of America  
The Architectural Conservancy of Ontario  
The Canadian Science & Technology Historical Association  
The Council for Northeastern States Historical Archaeology  
The Dundas Historical Society  
Eastern States Archeological Federation  
Head-of-the-Lake Historical Society  
The Hamilton-Wentworth Archaeological Foundation  
The Historical Metallurgy Society  
The Ontario Historical Society  
The Royal Canadian Geographical Society  
The Society for Industrial Archaeology  
The Society for Post-Medieval Archaeology

## COMMUNITY AND PROFESSIONAL SERVICE

Collections Committee of FIELDCOTE MEMORIAL MUSEUM

Member of the Historical Board for the City of Hamilton

Founder and Executive Director of the Hamilton-Wentworth Archaeology Foundation Inc. (1988)

Co-founder of the Association of Professional Archaeologists

Member of the Historical Metallurgy Committee of the Canadian Mining and Metallurgy Institute

## REFERENCES

Dr. David Rupp,  
Department of Classics,  
Brock University,  
St. Catharines, Ontario.

Dr. Daniel Geagan (personal and professional)  
Department of History,  
McMaster University,  
Hamilton, Ontario.

Dr. John Hayes, F.R.S.C. (personal & professional)  
Curator, and department chairman,  
Greek and Roman Department,  
Royal Ontario Museum,  
Toronto, Ontario.

William Fox, (professional, Ontario archaeology)  
Senior Archaeologist  
Heritage Branch, Archaeology Section,  
Ministry of Citizenship and Culture,  
77 Bloor St. W. 2nd Floor,  
Toronto, Ontario.

Ms. Sharon Root (personal)  
3-13 Midland St.,  
St. Catharines, Ontario.



CONSULTING

Town of Ancaster (LACAC)

Several Archaeological assessments and mitigations in:

Hamilton  
Ancaster  
Carlisle  
Burlington  
Cambridge  
Kitchener/Waterloo

LECTURES/TEACHING

McMaster University  
Continuing Education  
ROMANS IN THE MEDITERRANEAN  
(10 weeks)

Fieldcote Museum  
WENTWORTH COUNTRYS FIRST POTTER

RESEARCH

Redware potters of Wentworth Co. and southern Ontario  
a continuing project supported by:

• Federal Government S.E.E.D. grant  
Michael Archaeological Services

Sponsored by:

Ancaster Township Historical Society  
Head-of-the-Lake Historical Society  
Hamilton-Wentworth Archaeological Foundation

PROFESSIONAL MEMBERSHIPS

Co-founder and Director of THE ASSOCIATION OF PROFESSIONAL  
ARCHAEOLOGISTS

RECEIVED

NOV 15 1988

CITY CLERKS

117 Mountain Park Avenue  
Hamilton, Ontario  
L9A 1A1

November 14, 1988

Mr. E. Simpson  
City Clerk  
Corporation of the City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

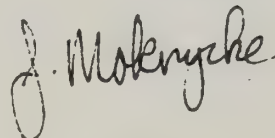
Dear Mr. Simpson:

The purpose of this letter is to inform you of my interest in becoming a member of Hamilton's Local Architectural Conservation Advisory Committee (LACAC). I have been a member of the Research Subcommittee of LACAC for four years, and feel that now is an appropriate time to become involved with the main committee.

I have a strong interest in architectural conservation together with a desire to see Hamilton grow into the future as an architecturally balanced urban center. My training is in the field of architecture, complemented with the years spent with the Research Subcommittee. This background, together with experience on other committees within City Hall (Downtown Hamilton Action Plan Coordinating Committee, Urban Design Committee) will allow for effective involvement at the LACAC committee level.

I hope that you will consider this application for a position on the Local Architectural Conservation Advisory Committee. Should you require further information, please contact me at 335-2360.

Yours sincerely,



John Mokrycke, B. Arch.

JM:mm

**Rigby**  
**Trade**  
Limited

RECEIVED

NOV 15 1988

74 George Street,  
Hamilton, Ontario,  
Canada L8P 1C9  
tel: (416) 528-3395  
telex: 061-8486  
fax: (416) 528-4618

November 11, 1988

CITY CLERKS

Hamilton City Hall  
City Clerk's Office  
Main Street West  
Hamilton, Ontario

Attention: Mr. E. Simpson

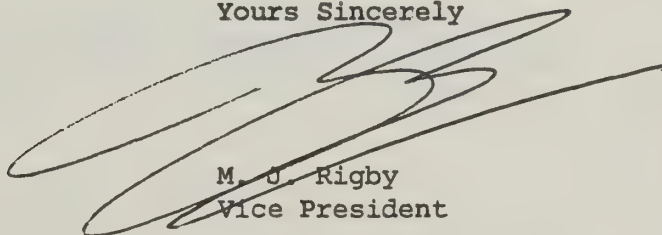
Dear Sir,

For the past term I have served on the LACAC Committee.  
This letter is to indicate to you and the Council that I am very willing  
to renew the appointment to be on the LACAC Committee for a further  
term, if the Council so decides.

I am well qualified in the cultural-architectural history area  
as well as carrying on a successful business in the heart of the city.

I thank you for your attention.

Yours Sincerely



M. J. Rigby  
Vice President

MJR/mmi

RECEIVED

NOV 15 1988

449 Bay Street North,  
HAMILTON,  
L8L 1A2.

CITY CLERKS

Mr. E. Simpson,  
City Clerk,  
City Hall,  
HAMILTON.

14 November 88.

Sir,

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

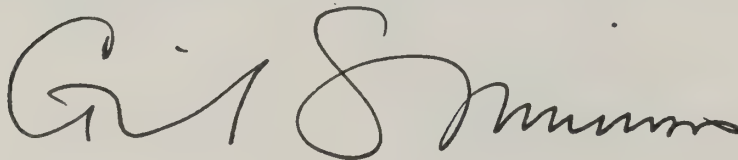
I am writing to ask to be considered, please, for appointment to LACAC for the period beginning January 1989.

My relevant background includes presidency of the Architectural Conservancy of Ontario, during which time I was supervising editor of the booklet VICTORIAN ARCHITECTURE IN HAMILTON. I am presently a member of LACAC and my term expires in December of this year.

As a resident of the inner city, I have always felt that LACAC's work is extremely important, and that advice from people who know the city thoroughly on an every-day basis can be very useful. Because of likely effects of both harbour development and the Perimeter Road on the North End, I also believe it will be important for LACAC to have comments on a continuing basis from neighbourhood residents. I hope therefore that you will look favourably on this application.

With thanks, I remain

Yours truly,



Gil Simmons.



FOR ACTION

10.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE: 1988 DECEMBER 2  
COMM FILE:  
DEPT FILES: SA-88-17  
25T-88028

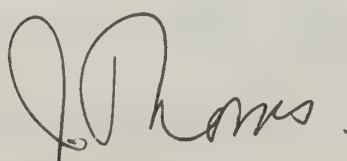
SUBJECT

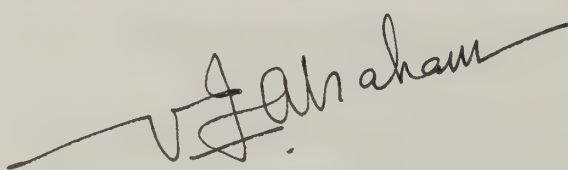
Proposed Draft Plan of Subdivision "Blossom Estates"

RECOMMENDATION

- a) That approval be given to application SA-88-17, "Blossom Estates", Vincent Citino and John Piano, owners, to establish a draft plan of subdivision, west of West Fifth Street, north of Stone Church Road East, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke & Associates, dated July 27, 1988, showing 20 lots, one block (Block "21") for development with adjacent lands and one block (Block "22") as a road widening.
  2. That the owner acquire sufficient land to establish all streets included in the final plan to the full required width, if the required land is not to be established as a public highway by City of Hamilton by-law.
  3. That the owner is responsible for the full cost of establishing Street "A" between West Fifth Street and proposed street "B".
  4. That only those parts of the plan to which road access and municipal services are available shall be released for registration.
  5. That the streets and street widening (Block "22") be dedicated as public highways on the final plan.
  6. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  7. That the final plan conform with the Zoning By-law approved under The Planning Act.

8. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  9. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  10. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  11. That any dead-end or open side of the road allowances created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.
  12. That Block "21" be developed only in conjunction with abutting lands.
  13. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  14. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
  15. That the owner receive a demolition permit in accordance with the "Rental Control Act" for the rented existing single-family dwelling.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-17), Vincent Citino and John Piano, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- c) That the neighbourhood plan be amended accordingly.
- d) That street "B" across the City lands and the westerly 10.0m widening of Forbes Street be established by a by-law and the Department of Engineering be instructed to prepare the appropriate by-laws.

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development

  
V. J. Abraham, M.C.I.P.  
Director  
Local Planning

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### Owner

Vincent Citino and John Piano, Hamilton, Ontario

### Surveyor

A. J. Clarke and Associates, Hamilton, Ontario

### Location

The lands, comprising 1.278 ha, are located east of West Fifth Street and north of Stone Church Road East in the Kerningham Neighbourhood, City of Hamilton.

### Proposal

The owners propose to subdivide the lands into 20 lots for single family dwellings, one block for development with adjacent lands and one block as a street widening. The lots will be serviced from the roads to be established in conjunction with this plan of subdivision. The minimum lot size proposed has a width of 12.1m and an approximate area of 369m<sup>2</sup>.

## EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential" - single and double. Street "A" is not conforming with the neighbourhood plan, therefore, the proposal does not comply.

Zoning - the lands are zoned "C" (Urban Protected Residential, etc.) District. The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.



### COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Municipal Affairs;
- o Ministry of Transportation;
- o Ministry of the Environment (subject to standard conditions for Lots 1-3 inclusive);
- o Ministry of Natural Resources;
- o Ministry of Citizenship & Culture;
- o Hamilton Region Conservation Authority;
- o Ontario Hydro, Union Gas, Bell Telephone;
- o City of Hamilton Board of Education;
- o Hamilton-Wentworth Separate School Board;
- o City Traffic Department;
- o City Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments:

For your information:

1. Lots 18, 19 and 20 can be serviced with storm and sanitary sewers along the future extension of Forbes Street southerly and then easterly along the future streets and easements to the existing storm and sanitary trunk sewers. The remaining parts of the proposal can be serviced to the existing storm and sanitary sewers on West 5th Street.
2. Lots 1 to 3 can be serviced from the existing watermain on West 5th Street. Lots 4-20 can be serviced from the existing watermain on West 5th Street once Street "A" and Forbes Street are established to full width.
3. The location of Street "A" is different from the approval on the neighbourhood plan which was used to construct sewers on West 5th Street. The relocation of the street will increase servicing costs to the City, the School Board and the Region. Since there are no special planning reasons to move the street, the Department of Engineering has no objection to the location of the street as proposed in the draft plan, provided the subdivider pays the full cost.
4. The width of the allowance of Street "A" and Forbes Street can not be established until it has been determined what the "Bikeway" shown on the neighbourhood plan means. Would you please have the Planning and Development Department advise us if the neighbourhood plan means separate path or just signing. Furthermore, since we understand the intent of the neighbourhood plan was to save the trees on Forbes Street, it is recommended you have the applicant send to us preliminary engineering plans for Forbes Street before we are prepared to recommend a road allowance width for the street.



5. It is proposed in this report that Council establish Street "A" and Forbes Street by by-law where these streets are located on City lands as this is in accordance with neighbourhood plans approved by Council.
6. The developer is to enter into subdivision agreements with both the City of Hamilton and the Region prior to the development of any portion of these lands.

#### Recommendation

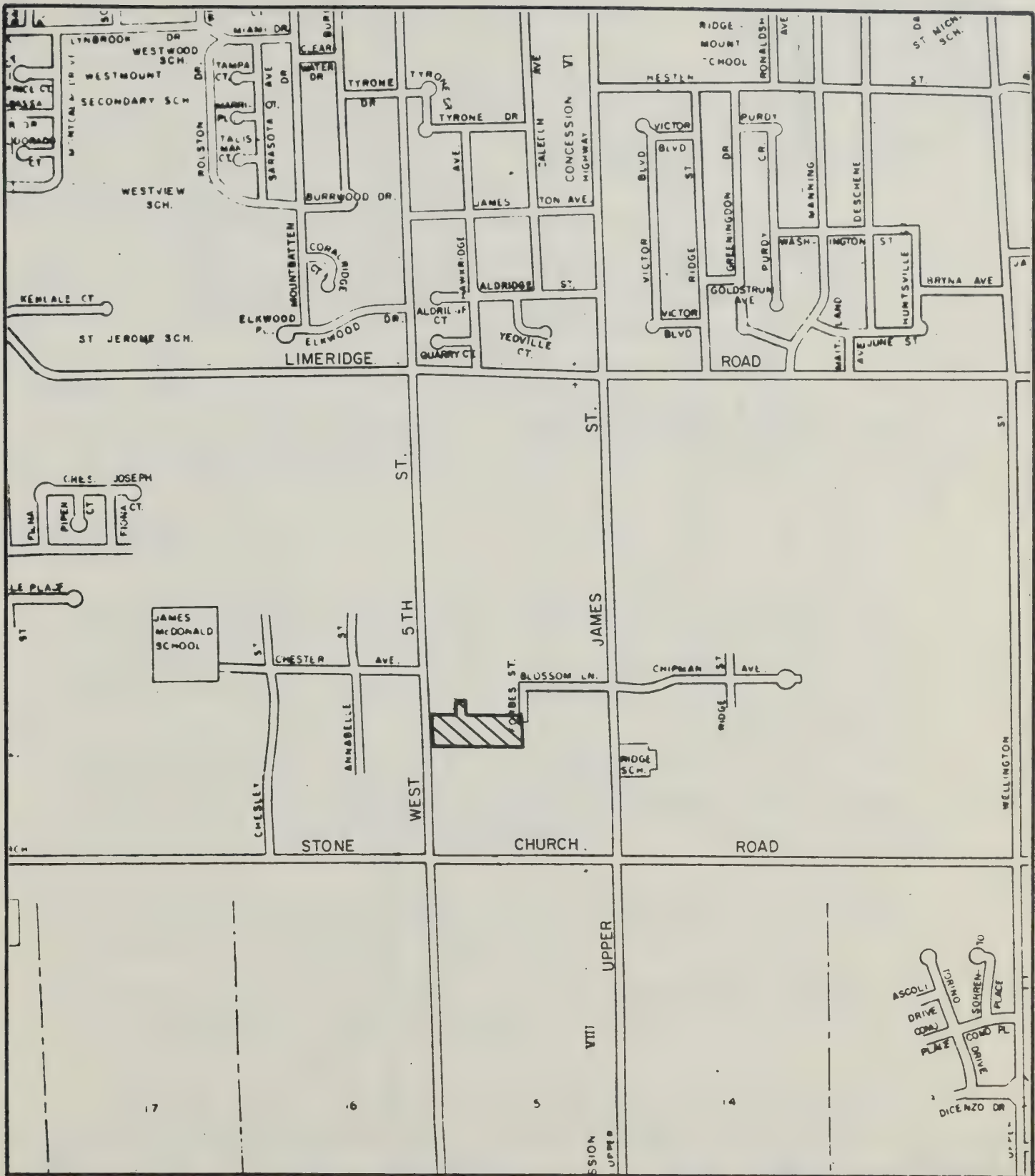
1. Lots 19 to 20 not to be registered until the extension of Forbes Street has been established.
2. The applicant acquire the necessary lands to establish Forbes Street and Street "A" to the full width.
3. Street "A" from West 5th Street to Street "B" be established, provided that the owner pay the full cost.
4. The plan not be approved until the future width of Street "A" and Forbes Street are established.
5. The Planning and Development Committee recommend to City Council that Street "B" across the City lands and the widening of Forbes Street be established by By-law and staff be instructed to do the necessary work and prepare the appropriate By-laws.
6. The developer is to enter into subdivision agreements with both the City of Hamilton and the Region prior to the development of any portion of these lands.
7. The submitted plan, as prepared by John P. Nouwens, O.L.S. and dated July 27, 1988, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

#### COMMENTS

1. The conformity of the proposal with the Official Plans and the zoning by-law and the need to amend the neighbourhood plan is noted.
2. As the lands do not form part of a "park and recreational" site on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The Department of Engineering was advised that a 20.0m road width would be sufficient to accommodate a bicycle path and to protect as many trees as possible.

4. The lands involving Street "B" and Forbes Street are outside of this plan of subdivision and an extension or widening establishing frontage for City-owned land would require action through an initiative of the City of Hamilton.
5. The requirements of the commenting agencies can be implemented through the conditions of draft approval to be established by the Regional Municipality.

JLS/jd  
0239P



## Location Plan For

PARTS OF LOTS 6 AND 8 - REGISTERED PLAN N° 427

**CITY OF HAMILTON**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend



PROPOSED SUBDIVISION

North



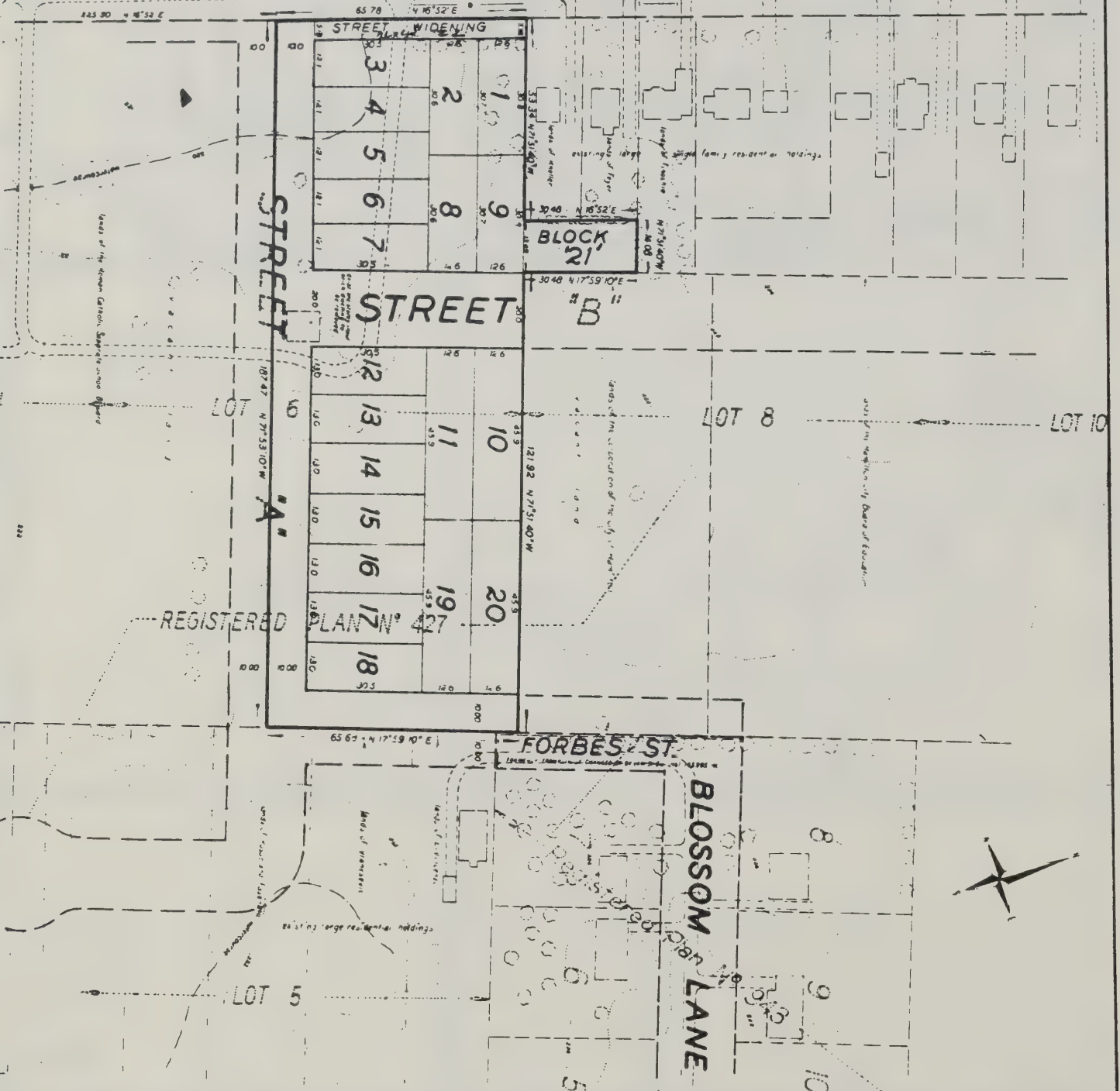
Scale  
N. T. S.

Date  
AUG. 16, 1988

Reference File No.  
25T-88028

Drawing No.

WEST FIFTH STREET



REGISTERED PLAN N° 427



Draft Plan of:

PARTS OF LOTS 6 AND 8 - REGISTERED PLAN N° 427

CITY OF HAMILTON

D. F. F. 0.5 M8

THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

**Notes:** DISTANCES SHOWN IN THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**To Chapter 300, R.S.O. 1960 Section 30.2 The Planning Act**

- 1. Lot 6 is 1.0000 m by 1.0000 m
- 2. Lot 8 is 1.0000 m by 1.0000 m
- 3. Lot 10 is 1.0000 m by 1.0000 m
- 4. Lot 12 is 1.0000 m by 1.0000 m
- 5. Lot 14 is 1.0000 m by 1.0000 m
- 6. Lot 16 is 1.0000 m by 1.0000 m
- 7. Lot 18 is 1.0000 m by 1.0000 m
- 8. Lot 19 is 1.0000 m by 1.0000 m
- 9. Lot 20 is 1.0000 m by 1.0000 m

**Surveyor's Certificate:**

I, the undersigned, being a duly qualified and licensed Surveyor of the Province of Ontario, do hereby certify that the above is a true and correct copy of the original plan as filed in my office.

*W. J. Davis*  
Surveyor

**Owner's Authorization:**

I, the undersigned, being the owner of the land described in the above plan, do hereby authorize the filing of the same in the office of the Registrar of Titles.

*W. J. Davis*  
Owner

**Land Use Schedule:**

1. 20 acres Family (Dwellings)  
2. 20 acres Family (Dwellings)  
3. 20 acres Family (Dwellings)  
4. 20 acres Family (Dwellings)  
5. 20 acres Family (Dwellings)  
6. 20 acres Family (Dwellings)  
7. 20 acres Family (Dwellings)  
8. 20 acres Family (Dwellings)  
9. 20 acres Family (Dwellings)  
10. 20 acres Family (Dwellings)

G. J. Clarke and Associates



FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 December 6  
COMM FILE:  
DEPT. FILE: CI-88-M

SUBJECT:

City Initiative - Block "1" bounded by Burlington Street East, Oliver Street, Wilfred Street and Wentworth Street North; and Block "2" bounded by Wentworth Street North, Niagara Street and Land Street.

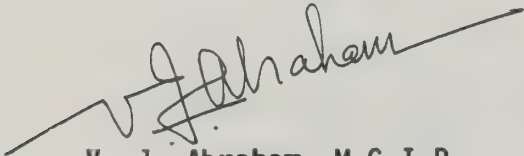
RECOMMENDATION

- (a) That approval be given to Official Plan Amendment No. , to redesignate the subject lands from "UTILITIES" to "INDUSTRIAL" and to extend "SPECIAL POLICY AREA 11", and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to City Initiative 88-M, to re-establish the "K" (Heavy Industry, etc.) District modified zoning applicable to the lands bounded by Burlington Street East, Oliver Street, Wilfred Street and Wentworth Street, and bounded by Wentworth Street North, Niagara Street and Land Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:
- i) That Schedule "A3" to By-law No. 83-240 be amended by deleting the subject lands shown as Blocks "3" and "4" therefrom; and that the text of By-law 83-240 be appropriately amended;
  - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-10, E-11 and E-19 for presentation to City Council;
  - iii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

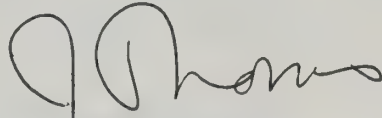
EXPLANATORY NOTE

The purpose of the By-law is to delete the blocks of land bounded by Burlington Street East, Oliver Street, Wilfred Street and Wentworth Street North, and bounded by Wentworth Street North, Niagara Street and Land Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", from Schedule "A3" to By-law No. 83-240.

The effect of the By-law is to repeal the proposed "F-4" (Waterfront Services) District modified zoning on the subject lands (not yet approved), thereby re-establishing the former "K" (Heavy Industry, etc.) District modified zoning.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

### FINANCIAL IMPLICATIONS

N/A

### BACKGROUND

- By-law No. 83-239

At its meeting of July 27, 1983 City Council passed By-law 83-239 respecting the establishment of the "F-2" (Open Space Harbour) District, "F-3" (Marine Transportation Services) District, and "F-4" (Waterfront Services) District. These zoning districts were established to implement the "OPEN WATER" and "UTILITIES" designations under the newly approved Official Plan.

However, the By-law was appealed by the Hamilton Harbour Commissioner and is pending on Ontario Municipal Board Hearing.

- By-law No. 83-240

At its meeting of July 27, 1983 City Council passed By-law 83-240 which rezoned, among others, the subject lands from the "K" (Heavy Industry, etc.) District modified to the "F-4" (Waterfront Services) District modified.

However, the By-law was appealed by the Hamilton Harbour Commissioners and is pending on Ontario Municipal Board Hearings.

### PROBLEM

In January 1989 Hamilton City News will be relocating their operations from No. 459 Burlington Street East to Stoney Creek. Apparently, two prospective tenants (machine shop; aluminum products & distribution) have expressed an interest in relocating their operations to the Hamilton City News building.

However, neither of the proposed uses would be permitted under the new "F-4" (Waterfront Services) District (not yet approved), even though they were permitted under the former "K" (Heavy Industry, etc.) District.

## COMMENT

The subject lands are located in the area known as the "Land Residential Enclave", which was originally designated for "Industrial" use.

In 1978, the Hamilton Harbour Commission prepared the "Hamilton Harbour Port Master Plan", which identified the subject lands as being within "Plan Activity Zone D - Piers 11-14". The land use policies for this area are:

- "1. Piers 11-14 shall be maintained for commercial shipping uses. The uses shall be transitional from general cargo in the west through enclosed liquid to open bulk in the east.
2. Back-up lands Piers 11-12 will be for marine transportation and related uses.
3. The use of back-up lands Piers 13-14 will be used for heavier port related industries.
4. The Hamilton Harbour Commissioners must acquire additional lands north of Burlington Street."

At the time, Policy #4 was interpreted as the Harbour Commissioner's commitment to actively pursue the acquisition of, among others, the subject lands for marine transportation and related uses. Accordingly, Piers 11-14 (including the subject lands) were designated for "MARINE TRANSPORTATION" use under O.P.A. No. 318 (Harbour Official Plan).

O.P.A. No. 318 was adopted by By-law 79-83 on March 13, 1979 but was not approved by the Province. Subsequently, the New Official Plan was approved (1982) which superceded O.P.A. No. 318, and incorporated its major philosophy by designating Piers 11-14 as "UTILITIES".

Considering that the subject lands have remained under private ownership for the past 10 years, it would appear that they are not required by the Harbour Commission for marine transportation and related uses. Therefore, the lands should be deleted from the proposed "F-4" (Waterfront Services) District, thereby re-establishing the original "K" (Heavy Industry, etc.) District modified zoning, which is consistent with the zoning on other private lands in the surrounding area.

In this regard, the Official Plan should also be amended to redesignate the subject lands from "UTILITIES" to "INDUSTRIAL", thereby reflecting their intended use as per the "K" District zoning.

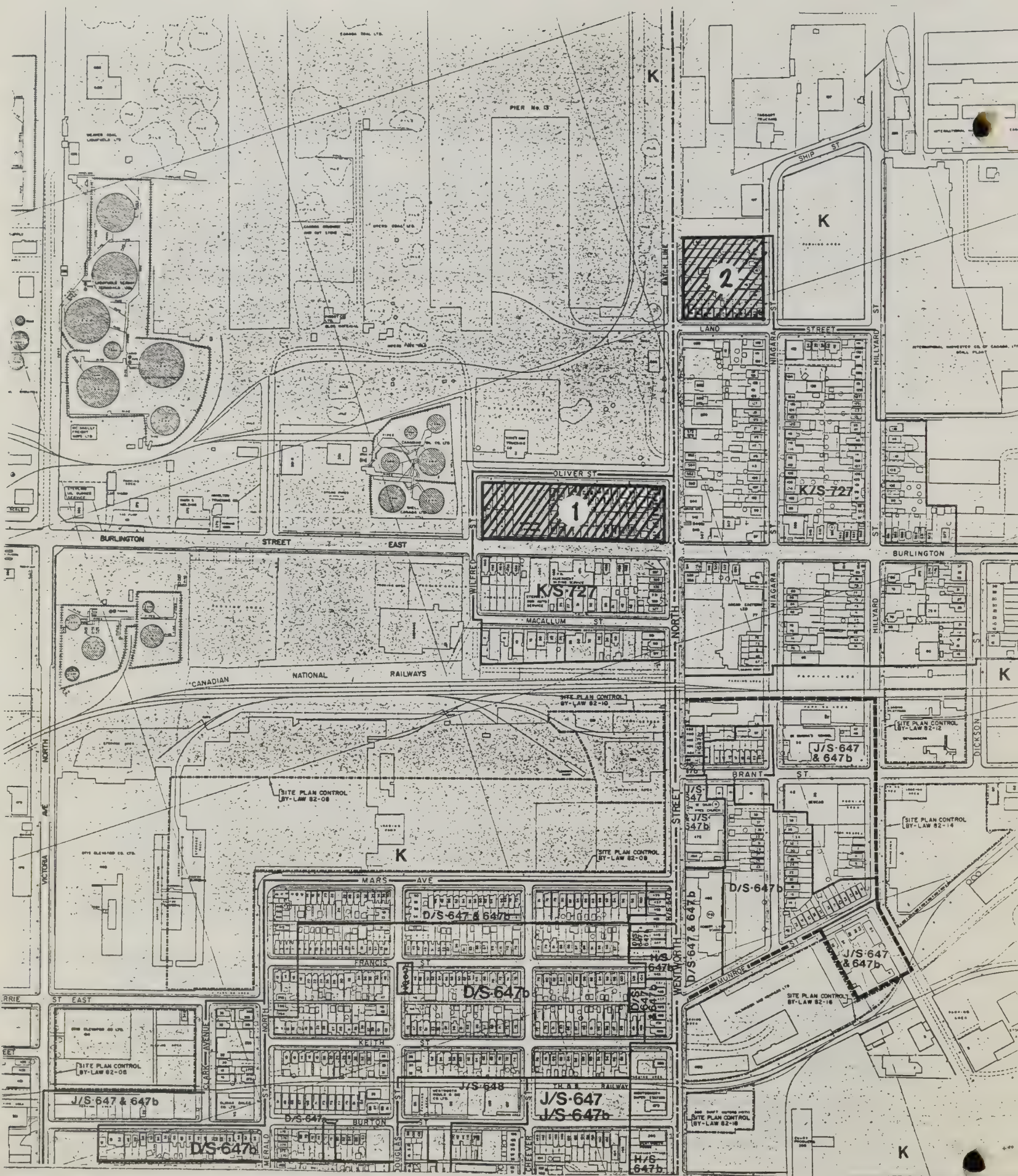
## CONCLUSION

On the basis of the foregoing, approval should be given to a City Initiative to re-establish the former "K" District zoning on the subject lands.

PM/ma

WPO482P





# LEGEND.

Blocks 1 & 2



SUBJECT LANDS.





FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

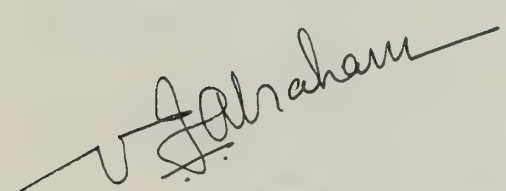
DATE: 1988 December 02  
COMM FILE:  
DEPT. FILE: 4485  
P5-4-2-20

SUBJECT:

Exclusionary Zoning and the draft Provincial Housing Policy Statement -  
Resolution from the Township of Kingston.

RECOMMENDATION

- a) That City Council support the Township of Kingston's resolution requesting the Province to consider the issue of exclusionary zoning in the context of a formal Housing Policy Statement, instead of introducing a separate Bill prior to the finalization of the Housing Policy Statement.
- b) That the City Clerk inform the Township of Kingston of City Council's decision.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Province has indicated that it intends to pass legislation amending The Planning Act to prohibit municipalities from zoning on the basis of occupancy.

The Township of Kingston is requesting municipalities to urge the Provincial Government to consider the issue of exclusionary zoning in the context of a formal Housing Policy Statement, given the potential relationship between affordable housing and exclusionary zoning.

## BACKGROUND

In September 1988, the Province introduced the draft housing policy statement: its purpose was to increase the supply of affordable housing units. Municipalities have been requested to respond to the statement. Once it receives Provincial approval, a serious review of municipal official plans and zoning standards will be required to determine if there are standards/policies which inhibit the provision of affordable housing.

The draft Housing Policy Statement specifically refers to exclusionary zoning: Policy 3.2 (d) states:

"Zoning standards and requirements in zoning documents support the housing objectives set out in this policy. In so doing, zoning by-laws are to:

- (a) include provisions which permit ongoing of all residential units operating as a single housekeeping unit."

Recently, Hamilton passed By-law 88-230 to amend the Zoning By-law to restrict the number of persons living together as a single housekeeping unit to a maximum of five (5). This by-law conflicts with the intent of Policy 3.2 (d) and thus, the objectives of the Housing Policy Statement.

The Province has recognized that most municipalities contain an exclusionary zoning provision, such as the above. Therefore, the Province has indicated it will be introducing a bill to amend The Planning Act to prohibit zoning based on occupancy prior to the finalization of the draft Housing Policy Statement.

Since the City of Hamilton supports the use of exclusionary zoning as a method of controlling densities in traditional single family neighbourhoods, it should support the Township of Kingston's resolution requesting the Province to consider exclusionary zoning in the context of a formal housing statement instead of introducing a separate bill prior to the finalization of the Housing Policy Statement.

JH/dkp

WP 0021P

Telephone  
(613) 384-1770  
Fax 384-7106



RECEIVED

NOV 9 1988

P.O. Bag 3400  
Kingston, Ontario  
K7L 4Z4

CITY CLERKS

*The Corporation of the Township of Kingston*  
Incorporated 1850

From the Office of: The Clerk

November 3rd, 1988

To All Ontario Municipalities  
Over 5,000 Population:

Enclosed is a resolution regarding Exclusionary Zoning which is self-explanatory.

Provincial Officials have recently confirmed that the Government intends to finalize this issue prior to, and in a manner disassociated with, the approval of the Housing Policy Statement. We believe that the Exclusionary Zoning initiative is perhaps the most volatile element of the Province's current Housing initiatives. We are concerned that, if the initiative proceeds as currently proposed, that it is likely to create a Municipally directed backlash from existing neighbourhoods and seriously impair the Municipality's ability to control density in residential areas.

We invite you to join us in requesting the Province to approach this topic in the appropriate manner.

If your Council supports the attached resolution, please advise the Provincial Premier, your local Member of Provincial Parliament, and the Association of Municipalities of Ontario.

Yours truly,

A large, stylized handwritten signature in dark ink, consisting of several loops and a long horizontal stroke.

D. A. Gordon, A.M.C.T., C.M.C.,  
Clerk

DAG/fy  
Encl.



Agenda Item No. \_\_\_\_\_



Resolution No. \_\_\_\_\_

## TOWNSHIP OF KINGSTON COUNCIL

### RESOLUTION

November 1st, \_\_\_\_\_ 19 88

Township Administration Building

Moved by Dave Farrow

Seconded by L. White

WHEREAS Section 3 of the Planning Act is intended to guarantee wide consultation with appropriate bodies prior to the approval, and implementation, of Provincial Policy statements;

AND WHEREAS a proposed Housing Policy Statement has been released for discussion with comments requested by February 28th 1989;

AND WHEREAS the Province has indicated that it intends to pass legislation regarding Exclusionary Zoning (i.e. amending the Planning Act to prohibit municipalities from using traditional single family occupancy zoning control techniques within neighbourhoods) prior to finalizing the Housing Policy Statement;

AND WHEREAS proceeding with the Exclusionary Zoning matter in this manner is inconsistent with the intent of Section 3 of the Planning Act 1983, especially given the potential relationship between affordable housing and exclusionary zoning;

NOW THEREFORE BE IT RESOLVED that the Province be reminded of the commitment set out in Section 3 of the new Planning Act and requested to consider the matter of Exclusionary Zoning only in the context of a formal Provincial Policy Statement such as the Housing Policy Statement,

AND that a copy of this resolution be forwarded to the Premier, our local member of Provincial Parliament, and the Association of Municipalities of Ontario;

AND that a copy of this resolution be sent to other municipalities with a population over 5,000 with a request for support.

RECORDED VOTE:

CARRIED

☒

TABLED

☐

In Favour

Against

Absent

Reason: \_\_\_\_\_

I, D.A. GORDON, CLERK OF THE TOWNSHIP OF KINGSTON, HEREBY CERTIFY THIS TO BE A TRUE AND ACCURATE COPY OF A RESOLUTION PASSED BY KINGSTON TOWNSHIP COUNCIL NOVEMBER 1ST, 1988.

LOST

☐

.....  
D.A. GORDON, A.M.C.T., C.M.C.,  
CLERK

I. Turner

Reeve



FOR ACTION

13.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 December 9  
COMM FILE:  
DEPT. FILE: ZA-88-76  
Rymal  
Neighbourhood

SUBJECT:

Request for a modification to the established "M-11" (Prestige Industrial) District regulations to permit a garden centre, for property located at No. 1167 Rymal Road East.

RECOMMENDATION

That approval be given to Zoning Application 88-76, Commisso and Pobega Limited, owner, for a modification to the established "M-11" (Prestige Industrial) District regulations, to allow a "Garden Centre" as an additional use on the property located at No. 1167 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-11" (Prestige Industrial) District regulations as contained in Section 17C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
  - a) That notwithstanding Section 17C (1)(c) the following additional commercial use shall be permitted.

S.I.C. Identification No.

6522

Commercial Use

Lawn and Garden Centres

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-59D be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

### EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "M-11" (Prestige Industrial) District regulations for property located at No. 1167 Rymal Road East.

The effect of the By-law is to permit a "Garden Centre" as an addition use on the site.



V. J. Abraham, M.C.I.P.  
Director of Local Planning

### FINANCIAL IMPLICATIONS

N/A

### BACKGROUND

It is the applicants intention to permit in addition to a permitted fruit and grocery store use, the sale of garden centre products such as flowers, shrubs, fruit trees, fertilizers, etc. The operation would be similar to ones operated by the Barn and Fortinos. A preliminary site plan is attached for the consideration of the Planning and Development Committee - see APPENDIX 'B' attached.

### APPLICANT

Commisso and Pobega Limited, owners.

### LOT SIZE AND AREA

- 45.3 m (148.6 ft.) of lot frontage on Rymal Road East;
- 88.4 m (290 ft.) of lot depth, and
- 3991.7 m<sup>2</sup> (30,038 sq.ft.) of lot area.

### LAND USE AND ZONING

<u>SUBJECT LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
	Vacant but used for storage and sales purposes	"M-11" (Prestige Industrial District.

### SURROUNDING LANDS

to the north	Vacant	"M-14" (Prestige Industrial) District.
to the south	Vacant	"M-12" (Prestige Industrial) District.
to the east	Vacant site and a commercial plaza	"M-12" (Prestige Industrial) District.
to the west	Vacant and retail commercial uses	"M-11" (Prestige Industrial) District.

### OFFICIAL PLAN

Designated "Commercial", the proposal complies.

### NEIGHBOURHOOD PLAN

Designated for "Restricted Commercial" development on the approved Mountain Industrial Area Plan, the proposal complies.

### COMMENTS RECEIVED

- The Building Department has advised that a Garden Centre (category 6522) is not allowed in the "M-11" (Prestige Industrial) District. The grocery store (category 6012 and/or 6011) is allowed in the "M-11" (Prestige Industrial) District. In addition, since the storage area proposed for the garden centre is to be covered and attached to the principal building it is considered part of the building. The Building Department also noted that the applicants were issued an Order to Comply with regard to the outdoor storage and sale of garden centre products from the site.

- The Hamilton-Wentworth Engineering Department has advised that:

"public watermains, as well as separate storm and sanitary sewers, are available to service the subject lands.

The designated road allowance width of Rymal Road is 36.58 m (120 feet). We do not anticipate any further road allowance widenings at this time.

Any works within the Rymal Road road allowance, as widened, must conform to the Region's Roads Use By-law.

The applicant should be warned that, depending on the details of land use and layout, the applicant may be required to pay for certain improvements on Rymal Road".

- The Hamilton Region Conservation Authority, The Traffic Department and the Local Architectural Conservation Advisory Committee staff have no comments or objections.

### COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the proposed Mountain Industrial Area Plan.
3. The proposal has merit and warrents consideration for the following reasons:
  - The proposal represents an accessory type of use to the principal use begin a grocery store;
  - It is situated on the major arterial road where such uses are established to serve as a region wide function;
  - It would be compatible with similar retail commercial uses established along this portion of Rymal Road East.
4. The "Garden Centre" use proposed is identified in the Standard Industrial Classification (S.I.C.) manual as No. 6522 "Lawn and Garden Centres".
5. Under the "M-11" (Prestige Industrial) District regulations, the development is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as landscaping, parking, access, grading, etc., can be further reviewed during the site plan approval process.

### CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma

WP0365P



UPPER OITAWA

STREET

OTTAWA

LANCING DRIVE

LANCING

DRIVE

ROAD

NEBO

RYMAI

ROAD

FAS

M-12/  
S-983

M-12

M-12/S-998a

M-12

M-12/S-903a

M-12

M-15 / S-876

M-12

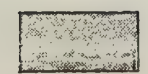
M-15

KILBRIDE

ROAD

NEBO

Legend

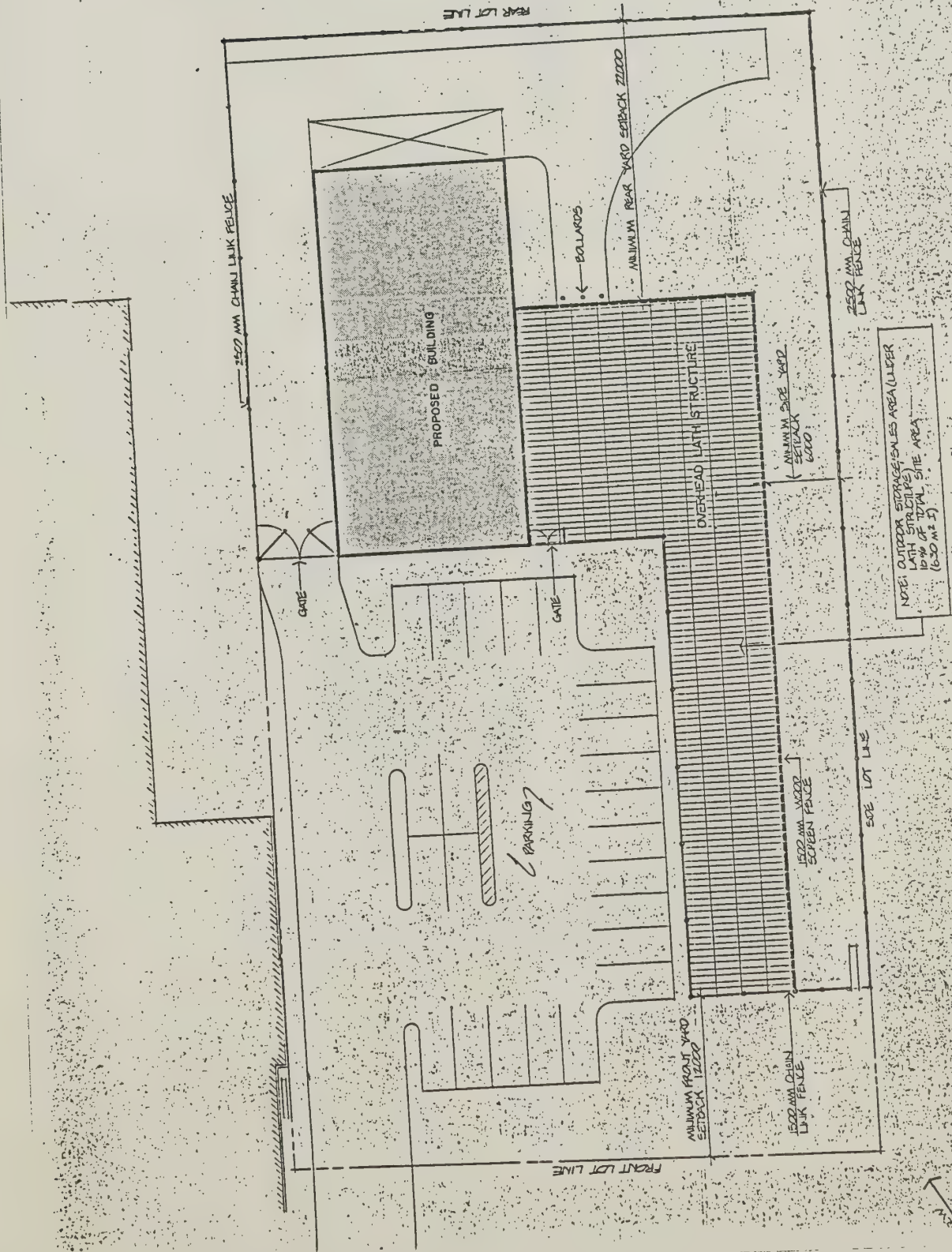


Site of the Application



ZA-88-76



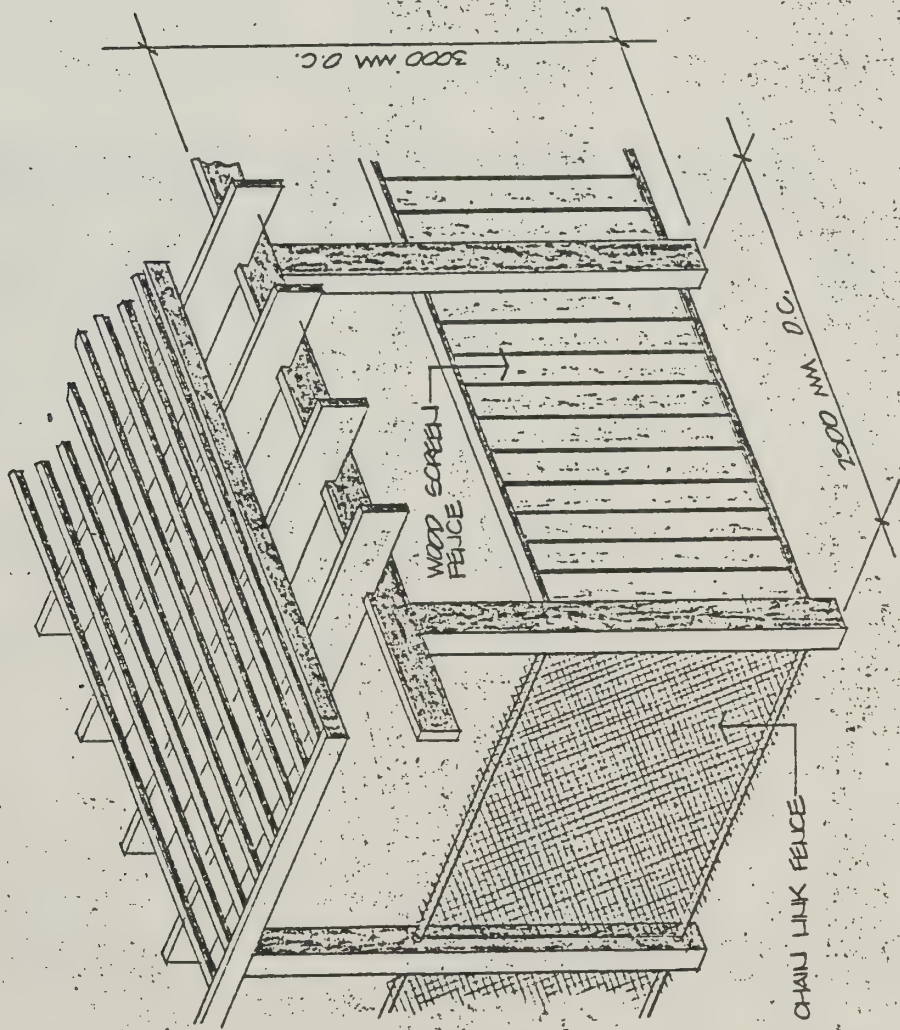


PLAN VIEW 1202





PLAN VIEW 1:200



ALL WOOD TO BE PRESSURE-TREATED  
ALL FASTENINGS TO BE  
GALVANIZED

VIEW OF PROPOSED OVERHEAD LATH STRUCTURE NIS.



FOR ACTION

14.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 December 6  
COMM FILE:  
DEPT. FILE: ZA-88-73  
Kirkendall  
South  
Neighbourhood

SUBJECT:

Request for a change in zoning - No. 17 Fairmount Avenue.

RECOMMENDATION

That Zoning Application 88-73, Partick and Lynda Vuurman, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit the conversion of the existing two family dwelling into a three family dwelling, for lands located at No. 17 Fairmount Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposal represents an intrusion of a 3 family dwelling into an area which is predominantly occupied by single-family dwellings;
- ii) Approval of the application would set an undesirable precedent for future similar applications in the surrounding area.
- iii) The parking layout is not acceptable, in that the required parking spaces would be stacked, whereas they should be free and unobstructed.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### ● Proposed Development

The applicant has requested a change in zoning from the "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit/legalize the conversion of the existing two family dwelling into a three family dwelling.

### ● Order to Comply

The applicant was issued an Order to Comply from the Building Department on May 5, 1988 for undertaking the construction of an addition to the subject building without the required permit.

## APPLICANT

Patrick and Lynda Vuurman, owners.

## LOT SIZE AND AREA

The subject property has approximately:

- 14.3 m (47 feet) of frontage on Fairmount Avenue;
- 32.2 m (105.5 feet) of lot depth; and
- 460.6 m<sup>2</sup> (4,958.5 sq.ft.) of lot area.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	two family dwelling	"C" (Urban Protected Residential, etc.) District.
<u>SURROUNDING LANDS</u>		
to the north	One, two and three family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings Townhouses, etc.) District.
to the south	Bowling green and single-family dwellings	"A" (Conservation, Open Space, Park and Recreation) District and "C" (Urban Protected Residential, etc.) District.



## SURROUNDING LANDS

to the east	Vacant, one and two family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings Townhouses, etc.) District and "C" (Urban Protected Residential, etc.) District.
to the west	One and two family dwellings	"C" (Urban Protected Residential, etc.) District.

## OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal does not conflict with the intent of the Plan.

## NEIGHBOURHOOD PLAN

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" in the Approved Kirkendall South Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

## RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - LACAC;
  - Hamilton Region Conservation Authority.
- The Traffic Department has advised as follows:

"...While we find the proposed change in zoning satisfactory, we do have some concern with the proposed parking area. Four parking spaces are required and they must be 2.7 m x 6.0 m each. The submitted drawing shows the parking area to be only 5.03 m wide."
- The Building Department has advised as follows:
  - "1. The surveyor's certificate (10 years old) and the applicant's plot plan contradict each other (e.g. rear yard 42'6" vs 27'0", south side yard 6'0" vs 16'6").
  2. The parking layout is not acceptable.
  3. The applicant states that all three apartments have over 700 square feet of floor area. Unless this is a very large house, it is unlikely that the third floor half-storey will contain 700 square feet.

4. Proper plans will have to be submitted to our Department for the conversion, if the Planning and Development Committee approves this application..."

In addition, the Building Department attached correspondence respecting an Order to Comply.

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains, as well as combined storm and sanitary sewers, are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

We recommend that the applicant enter into an Encroachment Agreement with the City for the steps at No. 17 Fairmount Avenue, which encroach onto the road allowance.

Comments from the City Traffic Department should be considered, as the applicant intends to park vehicles within the Fairmount Avenue road allowance.

As a condition of approval, we recommend that the applicant enter into appropriate agreements with the City and the abutting owner for the proposed parking area."

#### COMMENTS

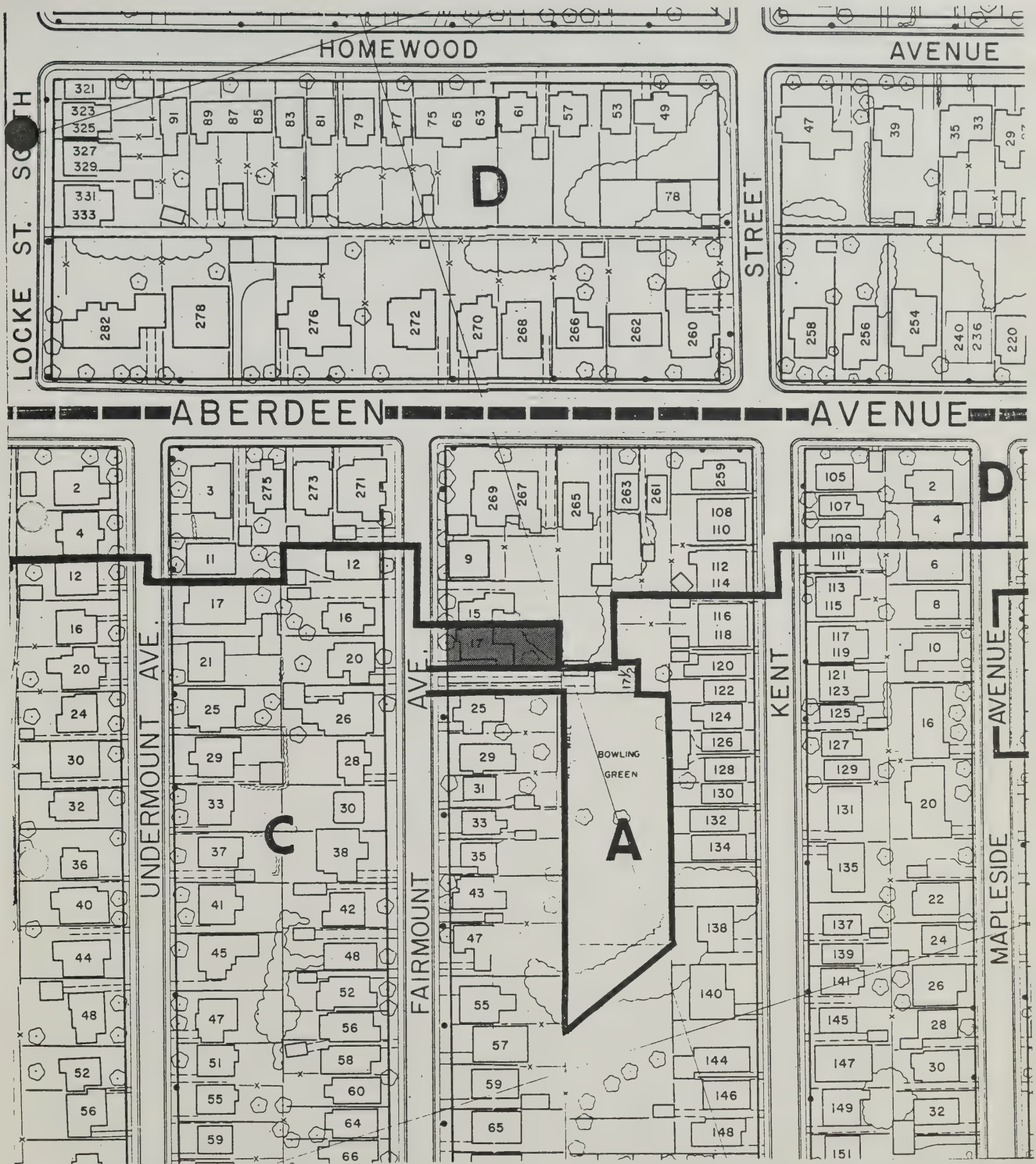
1. The proposal does not conflict with the intent of the Official Plan and the Approved Kirkendall South Neighbourhood Plan.
2. The proposal cannot be supported for the following reasons:
  - it represents an intrusion of a 3 family dwelling into an area which is predominantly occupied by single-family dwellings;
  - approval of the application would set an undesirable precedent for future similar applications in the surrounding area, and would condone the actions of the applicant in illegally converting the dwelling.
3. With respect to parking, the proposal does not comply with the By-law, in that the required parking spaces (4) are to be stacked (2 x 2) instead of unobstructed. Furthermore, as indicated by the Traffic Department the parking spaces are required to be 2.7 m (8.8 ft.) wide, whereas they would only be 2.5 m (8.3 ft.) wide.

#### CONCLUSION

On the basis of the foregoing, the application cannot be supported.

PDM/ma

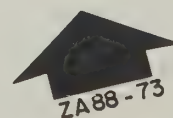
WP0365P



Legend



Site of the Application



APPENDIX A







F O R   A C T I O N

15.

REPORT TO:     SUSAN REEDER, SECRETARY  
                 PLANNING AND DEVELOPMENT COMMITTEE

FROM:           J. D. THOMS, COMMISSIONER  
                 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 December 07  
COMM FILE:  
DEPT. FILE: ZA-88-56  
             KIRKENDALL NORTH  
             NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning from "D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District for property located at Nos. 106 and 108 Canada Street.

RECOMMENDATION

- a) That approval be given to Zoning Application ZA-88-56, 414028 Ontario Limited, owner, for a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District for property located at No. 106 and 108 Canada Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District;
  - ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 be modified to include the following variance as a special requirement:
    - 1. To prohibit vehicular access to Canada Street;
    - 2. That landscaped planting strip having a minimum width of 3.0 m (9.84 ft.), and a visual barrier not less than 1.2 m (3.94 ft.) nor more than 2.0 m (6.56 ft.) shall be provided and maintained along and within the southerly property line of the site which is located opposite the residentially zoned properties along the south side of Canada Street.
  - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map W-13 be notated S- ;

- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-13 for presentation to City Council;
  - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
  - vi) That the Kirkendall North Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double" residential to a "Commercial" land use.
- b) That the amending By-law not be forwarded for final Council approval until such time as a site plan is approved by the Planning and Development Committee.

#### EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning of the subject lands from "D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at No. 106 and 108 Canada Street, as shown on the attached map marked as APPENDIX "A".

The intent of the By-law is to provide additional off-street parking for patrons of the Calabria Supermarket located at No. 103 Locke Street South which adjoins the subject lands.

In addition, the By-law provides for the following variance as a special provision:

- To prohibit vehicular access to Canada Street;
- To require a 3.0 m (9.84 ft.) wide landscaped planting strip and a visual barrier not less than 1.2 m (3.94 ft.) not more than 2.0 m (6.56 ft.) along and within the southerly property line of the site which is located opposite the residentially zoned properties along the south side of Canada Street.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS    N/A

## BACKGROUND

The applicant proposes to demolish the two attached single-family dwellings located at Nos. 106 and 108 Canada Street and use the site for additional off-street parking for patrons of the Calabria Supermarket located at No. 103 Locke Street South which adjoins the subject lands.

## APPLICANT

414028 Ontario Limited, owner.

## LOT SIZE AND AREA

- 15.24 m (50.0 ft.) of lot frontage on Canada Street;
- 31.08 m (102.5 ft.) of lot depth; and,
- 476.11 m<sup>2</sup> (5,125 sq. ft.) of lot area.

## LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Lands	Semi-detached dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
To the north	Grocery store	"H" (Community Shopping and Commercial, etc.) District
To the south	A three-family dwelling and single-family dwelling	"D" (Urban Protected Residential One and Two-Family Dwellings, Townhouse, etc.) District
To the east	Single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
To the west	Parking lot	"H" (Community Shopping and Commercial, etc.) District

## OFFICIAL PLAN

Designated "Commercial" the proposal complies.

## NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Kirkendall North Neighbourhood Plan. The proposal does not comply. Approval of the application would involve redesignation of the subject lands from "Single and Double" residential to a "Commercial" land use designation.

## COMMENTS RECEIVED

- The Building Department has advised that:
  - "1. A 1.5 m planting strip and visual barrier will be required on the east side of #106 if this is approved for a parking area.
  2. The first 20 feet of the planting strip from Canada Street shall be 3.0 m wide."
- The Local Architectural Conservation Advisory Committee Staff has advised that while the buildings to be demolished have no architectural merit, the buildings make a more positive contribution to the residential streetscape than would a parking lot. Should the application be approved the entire Canada Street frontage should be landscaped and include a visual barrier.
- The Traffic Department and the Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton Wentworth Engineering Department has advised that:

"Public watermains and combined storm/sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

Any works within the adjacent road allowances must conform to the City's Streets By-Law.

Comments from the Traffic Department should be obtained concerning parking and access layout, as we have not seen any development plans to date."

## COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal would require an amendment to the Kirkendall North Neighbourhood Plan to redesignate the subject lands from "Single and Double" residential to a "Commercial" land use.
3. The proposal has merit and can be supported for the following reasons:



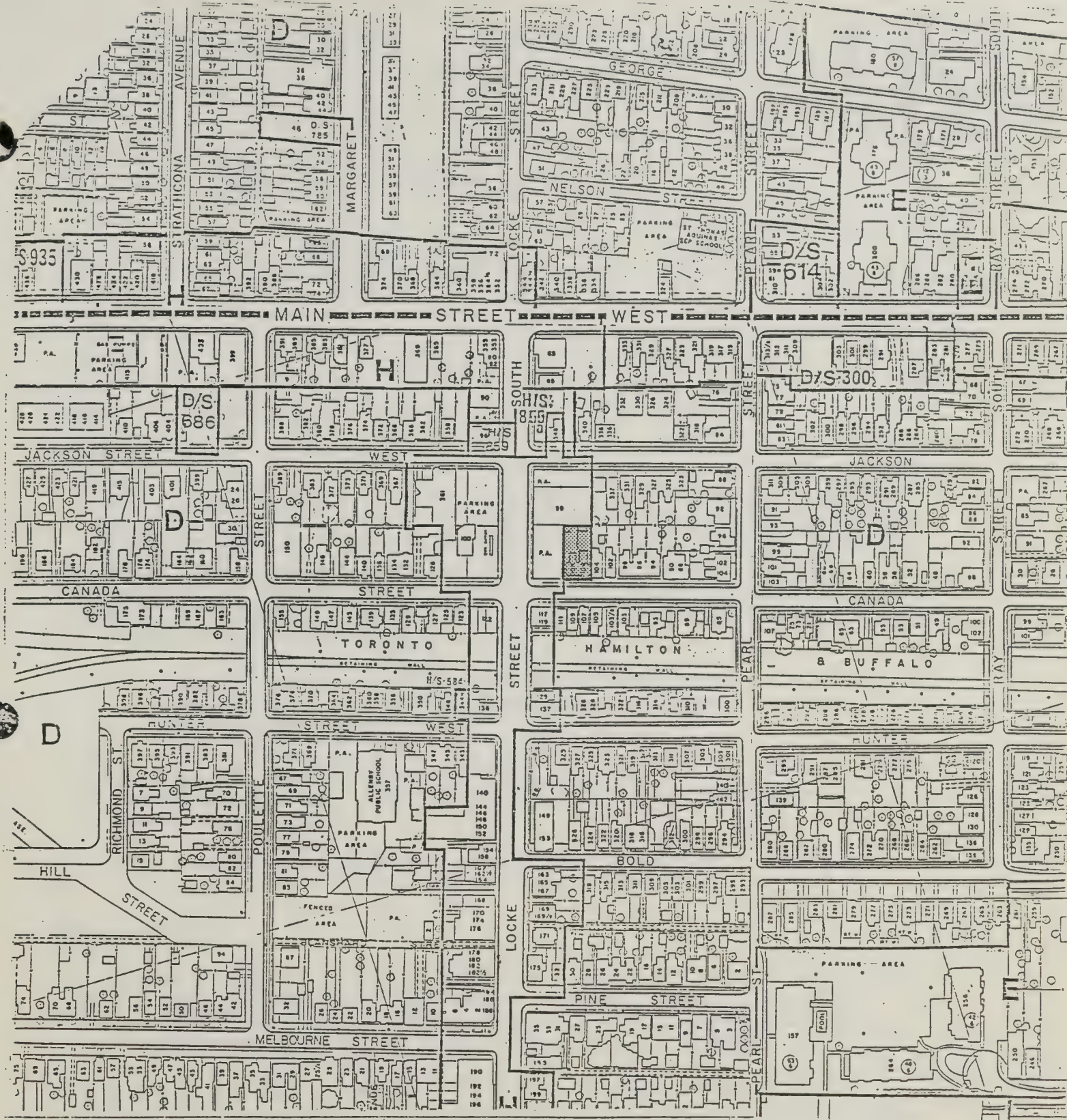
- it would help to alleviate problems associated with on-street parking on both Jackson Street and Canada Street which are occupied primarily by residential uses;
  - it squares off the property and establishes a uniform zoning boundary line between the residential and commercial uses;
  - access for the proposed parking lot will be restricted to the commercially zoned portion of the site fronting onto Locke Street South;
  - the entire Canada Street frontage of the parking lot will be appropriately landscaped and fenced to screen the parking lot from view of the residential properties on the opposite side of Canada Street;
  - in accordance with the "G-3" (Public Parking Lots) District regulations no buildings, except one not exceeding 6.0 m<sup>2</sup> (64.58 sq. ft.) in area for use only as a shelter for a parking lot attendant are permitted. In addition, the "G-3" (Public Parking Lots) District is subject to the provisions of Site Plan Control By-Law 79-275 as amended by By-Law 87-223. In regard to matters related to landscaping, fencing, grading drainage parking layout and access, etc. can be further reviewed at the site plan stage of development.
4. Should the application be approved it is suggested that the amending By-Law not be forwarded for City Council's passage until such time as a site plan is submitted and approved by the Planning and Development Committee.

#### CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd  
W.P. DOC. 0019P





# LEGEND



SITE OF THE APPLICATION

ZA-88-56





F O R   A C T I O N

16.

REPORT TO:        SUSAN REEDER, SECRETARY  
                         PLANNING AND DEVELOPMENT COMMITTEE

FROM:             J. D. THOMS, COMMISSIONER  
                         PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 30  
COMM FILE:  
DEPT. FILE: ZA-88-89  
                 Kennedy East  
                 Neighbourhood

SUBJECT:

Request for a change in zoning - Nos. 66 and 70 Kennedy Avenue.

RECOMMENDATION

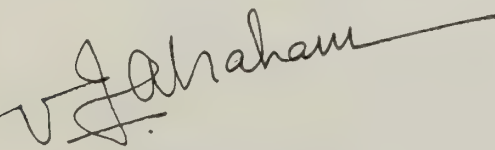
That approval be given to Zoning Application 88-89, Norman & Louise Lewis and Robert & Marilyn Mueller, owners, requesting a change in zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District to permit the creation of two building lots for single-family dwellings, for lands located at the rear of Nos. 66 and 70 Kennedy Avenue as shown on the attached map marked as APPENDIX "A", on the following basis:

- i)     That the subject lands be rezoned from the "B" (Suburban Agriculture and Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District;
- ii)    The the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council;
- iii)   That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District for lands located at Nos. 66 and 70 Kennedy Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to allow for the severance of the subject properties to create two single-family dwelling building lots fronting onto Christie Street.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### ● Proposed Development

The applicants have requested a change in zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District to permit the subdivision of the rear portion of the subject lands into two building lots for single-family detached dwellings, fronting onto Christie Street (40' x 120' each).

### ● Land Severance Applications H-155-88 to H-157-88

At its meeting of September 20, 1988 the Land Division Committee approved applications H-155-88, H-156-88 and H-157-88 to allow for the creation of two building lots at the rear of Nos. 66 and 70 Kennedy Avenue on, among others, the condition that the applicants submit proof of final approval of any necessary change of zoning/zoning amendment (see APPENDIX "B").

## APPLICANTS

Norman & Louise Lewis and Robert & Marilyn Mueller, owners.

## LOT SIZE AND AREA

The subject properties have a total of approximately:

- 36.57 m (120 feet) of frontage on Kennedy Avenue;
- 60.96 m (200 feet) of frontage on Christie Street; and
- 2,229.6 m<sup>2</sup> (24,000 sq.ft.) of lot area.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District.
<u>SURROUNDING LANDS</u>		
to the east, west and south	Single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District.
to the north	Single-family dwellings and vacant	"C" (Urban Protected Residential, etc.) District.

### OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies.

### NEIGHBOURHOOD PLAN

The subject lands are designated for "SINGLE AND DOUBLE RESIDENTIAL" use in the Approved Kennedy East Neighbourhood Plan. The proposal complies.

### RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - LACAC;
  - Traffic Department;
  - Hamilton Region Conservation Authority;
  - Trans Canada Pipelines;
  - Building Department.
- The Hamilton-Wentworth Department of Engineering has advised as follows:

"We wish to inform you that public watermins, storm sewers and sanitary sewers are available to service these properties.

According to Registered Plan No. 1784, the existing road allowance width of Kennedy Avenue is 23.16 m and that of Christie Street is 20.12 m (66 ft.). Therefore, we do not anticipate any further road allowance widenings at this time."

### COMMENTS

1. The proposal complies with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
  - it implements the intent of the Official Plan and the Approved Kennedy East Neighbourhood Plan, which designate the subject lands for "RESIDENTIAL" (single & double) use;
  - it would be compatible with existing development in the surrounding area; and
  - it would be a logical extension to the adjoining "C" District to the north.

### CONCLUSION

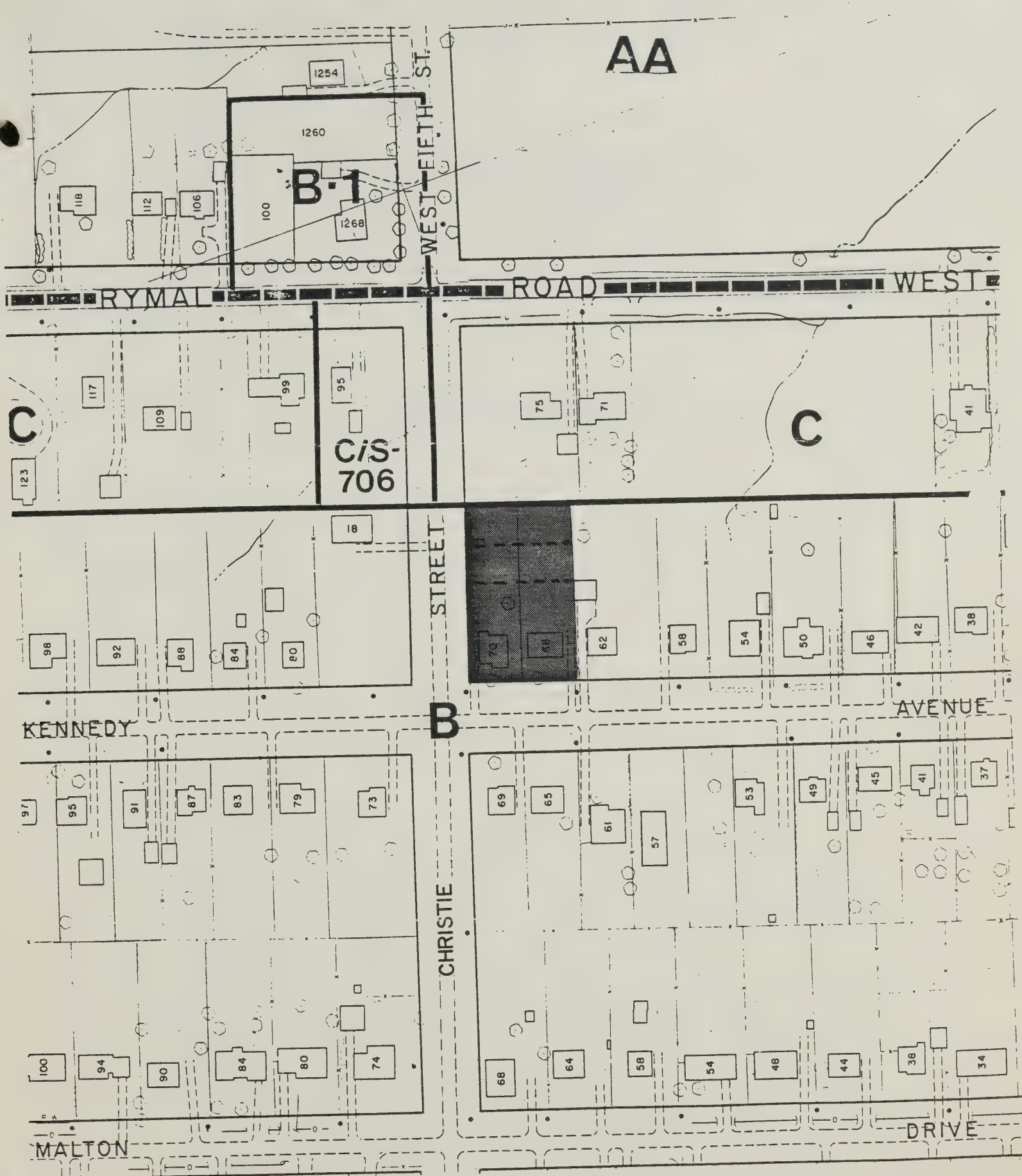
On the basis of the foregoing, the application can be supported.

PDM/ma

WP0365P



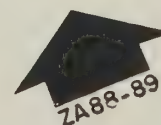




Legend



Site of the Application





PART OF LOTS 13 & 14 CON. 1  
R.D. 784  
FORMERLY IN THE TOWNSHIP OF GLANFORD  
NOW IN THE  
CITY OF HAMILTON  
SHEET 1 OF 2

## APPENDIX B





FOR ACTION

18.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 December 7  
COMM FILE:  
DEPT. FILE: ZA-88-86  
Barnstown  
Neighbourhood

SUBJECT:

Request for a modification to the "E-2" (Multiple Dwellings) District for property located on the east side of Upper Wellington Street in the area south of Stone Church Road East as shown on the attached map marked as APPENDIX "A".

RECOMMENDATION

That approval be given to Zoning Application 88-86 Wellington Chase Inc., owner, for a modification to the "E-2" (Multiple Dwellings) District, for property located on the east side of Upper Wellington Street, south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

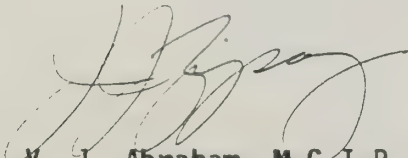
- i) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements.
  - a) Notwithstanding the provision of Section 11B(2)(ii) and (iii) of Zoning By-law No. 6593 the maximum height of buildings or structures shall be five stories.
  - b) Notwithstanding the provisions of Section 11B(5) of Zoning By-law No. 6593 the density of development shall not exceed 50 units per gross hectare (20 units per gross acre) with respect to multiple dwelling development.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Maps E-18C & E-18D be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18C & E-18D
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- v) That the Barnstown Neighbourhood Plan be amended by redesignated the subject lands from "Medium Density Apartments" to a "Low Density Apartment" land use.

### EXPLANATORY NOTE


The purpose of the By-law is to provide for a modification to the established "E-2" (Multiple Dwellings) District regulations applicable to lands located on the east side of Upper Wellington Street in the area south of Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to provide for the following By-law variances as special requirements:

- a) to restrict the maximum height of buildings or structures on the site to five stories whereas a maximum height of eight stories would normally be permitted (Section 11B(2)(ii) and (iii)).
- b) to restrict the density of development on the site to 50 units per gross hectare with respect to multiple dwelling developments.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

### FINANCIAL IMPLICATIONS

N/A

### BACKGROUND

- By-law 87-338

On November 24, 1987 City Council passed By-law 87-338 which rezoned the subject lands from "C" (Urban Protected Residential, etc.) District, "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified "E-2" (Multiple Dwellings) District modified and "RT-30" (Street Townhouse) District to an "E-2" (Multiple Dwellings) District to permit apartment development.

- O.M.B. Appeal

As the result of an appeal filed against the By-law an Ontario Municipal Board Hearing was held on June 16, 1988. At that time the appeals were withdrawn on the basis the applicant agreed to submit a new zoning application to reduce the density of the subject parcel of land.

o Current Application

In order to satisfy the concerns of area residents regarding proposed apartment development the applicant has requested a modification to the established "E-2" zoning to permit, "a change from the currently permitted 40 units per acre under the E-2 to 20 units per acre and the height of any buildings to be constructed in the E2 is not to exceed four (4) stories for a regular type of apartment building and five (5) stories for an apartment building that qualified as a senior apartment building". The effect of the application is to limit the height of buildings and overall density of development.

APPLICANT

Wellington Chase Inc., owner.

LOT SIZE AND AREA

an irregular shaped parcel of land having:

- 110.758 m (363.379 ft.) of lot frontage on Upper Wellington Street;
- 125.182 m (410.70 ft.) of lot depth; and,
- approximately 15,522.24 m<sup>2</sup> (167,085.46 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant	"E-2" (Multiple Dwellings, etc.) District.
<u>SURROUNDING LANDS</u>		
to the north	Vacant	"G-1" (Designed Shopping Centre) District, modified.
to the south	Vacant	"RT-20" (Townhouse and Maisonette) District.
to the east	Vacant	"C" (Urban Protected Residential, etc.) District.
to the west	Small cemetery and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District.



## OFFICIAL PLAN

Designated "Residential", the proposal complies.

## NEIGHBOURHOOD PLAN

Designated for "Medium Density Apartment" development on the approved Barnstown Neighbourhood Plan. The proposal to reduce the density would involve redesignation of the site from "Medium Density Apartments" to a "Low Density Apartment" designation.

## COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, Local Architectural Conservation Advisory Committee staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as sanitary and storm sewers are available to service the subject lands.

The designated road allowance of Upper Wellington Street is 30.48 m (100 ft.). As a condition of approval, we recommend that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 15.24 m from the centre line of the original road allowance.

Any work within the Upper Wellington Street road allowance, as widened, must conform to the Region's Roads Use By-law.

According to our records, there are no vertical crest curves on this section of Upper Wellington which would seriously affect motorists visibility. Any roadway improvements required on Upper Wellington Street as a result of this development may be at the expense of the applicant/owner.

According to our records, Dragoon Drive in Wellington Chase Phase 3 will be extended westerly to Upper Wellington Street which includes and exceeds the limits of the sewer easement shown on Plan 62R-8899. We therefore recommend, as a condition of approval, that the applicant enter into an appropriate agreement with the Region and the City to establish the extension of Dragoon Drive to Upper Wellington Street. These agreements are to include conveyance of land, engineering, construction and servicing cost recoveries to the Region and City".

## COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal would require redesignation of the approved Barnstown Neighbourhood Plan from "Medium Density Apartments" to a "Low Density Apartment land use.



3. The proposal has merit and can be supported for the following reasons:
- the proposal is keeping with the wishes of area property owners who are requesting a reduction in the density of development and a reduction in the maximum height of buildings proposed for the site;
  - under the requested "E-2" modified zoning apartments or townhouses would be permitted;
  - the proposed development would be compatible with existing and proposed development in the area comprised of commercial development to the north, townhouse development to the south and single-family development to the east and west.
4. The proposal by the applicant to provide different height limitations for non senior citizens apartment buildings (4 stories) and a senior citizen apartment buildings (5 stories) is considered discriminatory and not enforceable in a by-law. The zoning By-law cannot regulate height based on the type of occupancy of a building. In this regard it is suggested that the maximum height of buildings or structures not exceed five stories.
5. With respect to the density of development, in keeping with the wishes of area property owners who objected to the previous zoning application which established the current "E-2" zoning, the applicant is prepared to reduce the overall density with respect to multiple residential development, from its current neighbourhood density factor of 100 units per gross hectare (40 units per gross acre) to 50 units per gross hectare (20 units per gross acre).
6. Development of the lands within the "E-2" modified zone is subject to Site Plan Control By-laws 79-275 and 87-223. In the regard matters such as parking, grading access, road widenings, landscaping, etc., will be reviewed at the site plan control stage of development.

### CONCLUSION

On the basis of the foregoing, the proposal can be supported.

GW/ma  
WP0365P



ONE CHURCH ROAD EAST

AA

G-1/  
S-1044

AA

E-2

C

RT-20

UPPER WELLINGTON STREET

SORRENTO PLACE

C PLACE

COMO

TORINO

DICENZO DRIVE

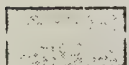
ASCOLI DRIVE

DRIVE

COMO PLACE

AA

Legend



Site of the Application



APPENDIX A





F O R   A C T I O N

19.

REPORT TO:      SUSAN REEDER, SECRETARY  
                    PLANNING AND DEVELOPMENT COMMITTEE

FROM:            J. D. THOMS, COMMISSIONER  
                    PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 December 1

COMM FILE:

DEPT. FILE: ZA-88-81

Durand

Neighbourhood

SUBJECT:

Request for a modification in zoning - No. 105 Aberdeen Avenue.

RECOMMENDATION

1. That approval be given to Zoning Application 88-81, 632734 Ontario Inc., (Benemar Developments), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the conversion of the existing single-family dwelling into three condominium units, for lands located at No. 105 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - a) Notwithstanding Section 9.(1) a maximum of three dwelling units shall be permitted within the existing building;
    - b) Notwithstanding Section 9.(3)(i) a front yard of a depth of at least 3.6 m (12.12 ft.) shall be required from Bay Street South for the existing building;
    - c) That a minimum 1.5 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained between the boundary of the parking area and any adjoining residential district.
  - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-6 be notated S- ;
  - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-6 for presentation to City Council;
  - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

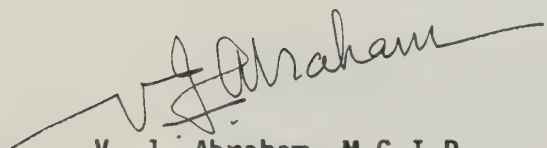
2. That Schedule "B" to By-law No. 79-275 as amended by By-law No. 87-223 respecting Site Plan Control be amended by adding the subject lands thereto.
3. That the amending By-law not be passed by Council until the applicant has applied for and received Site Plan Approval.

#### EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for lands located at No. 105 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to allow for the conversion of the existing single-family dwelling into a three unit condominium. In addition, the By-law provides for the following modifications as special requirements:

- to legalize the existing 3.6 m (12.12 ft.) front yard setback on Bay Street South, whereas 6.0 m (19.69 ft.) is required.
- to require a minimum 1.5 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained between the boundary of the parking area and any adjoining residential district.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

- Proposed Development

The applicant has requested a modification to the established "C" (Urban Protected Residential, etc.) District to permit the conversion of the existing single-family dwelling into a three (3) unit condominium. Each unit will have a minimum floor area of 232 m<sup>2</sup> (2,500 sq.ft.).

- Land Severance

At its meeting of September 27, 1988 the Land Division Committee denied Application No. H-141-88 to sever the subject property by conveying a vacant parcel of land measuring 58.24 feet x 125.93 feet fronting on Bay Street South for residential purposes, and to retain a parcel of land measuring 121.62 feet x 126.55 feet (see APPENDIX "B"), which is occupied by a single-family dwelling, for the following reasons:

- "1. Does not appear to be in the interest of proper planning and development for this unique area.
2. Does not comply with the requirements of the Zoning By-law (front yard of retained residence).
3. Does not comply with Section 50(4) of The Planning Act".

● Committee of Adjustment

At its meeting of October 27, 1988, the Committee of Adjustment tabled Application No. A-88-265 which requested a reduction to the required front yard setback from 6.0 m (19.69 ft.) to 3.69 m (12.12 ft.) for the existing single-family dwelling fronting onto Bay Street South.

APPLICANT

632734 Ontario Inc. (Benemar Developments), prospective owner.

LOT SIZE AND AREA

The subject property has approximately:

- 38.6 m (126.66 feet) of frontage on Aberdeen Avenue;
- 54.82 m (179.86 feet) of frontage on Bay Street South;
- and 2,112.3 m<sup>2</sup> (22,738 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Single-family dwelling	"C" (Urban Protected Residential, etc.) District.

SURROUNDING LANDS

to the north	One and Two family dwellings	"C" (Urban Protected Residential, etc.) District.
to the south, east and west	Single-family dwellings	"C" (Urban Protected Residential, etc.) District.

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. In addition, the subject lands are located within SPECIAL POLICY AREAS "1b" (i.e. Niagara Escarpment) and "3" (Central Policy Area) on Schedule "B" - Special Policy Areas. The proposal does not conflict with the intent of the Plan.



## NEIGHBOURHOOD PLAN

The subject lands are designated "SINGLE, DOUBLE and ATTACHED RESIDENTIAL" in the Approved Durand Neighbourhood Plan. The proposal complies.

## RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
  - Niagara Escarpment Commission;
  - Hamilton Region Conservation Authority.
- The Traffic Department has advised that they find the application "...satisfactory subject to the provision of the full parking requirements of By-law 6593".
- The Building Department has advised that a minimum of four parking spaces are required.
- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains as well as storm and sanitary sewers are available to service the subject lands.

As the applicant only intends "internal" renovations to the existing structure, we do not anticipate any further road allowance widenings at this time.

Upon reviewing this application, we note that the extent of the lands to be rezoned does not appear to reflect the entire property owned by the applicant and this should be clarified. More detailed comments will be submitted at such time as the specific site plans are submitted for our review under the anticipated condominium application.

Any work within the adjacent road allowances must conform to the City's Streets By-law.

We recommend that comments from the City's Traffic Department be reviewed with respect to access, parking, etc."

- LACAC has advised that the subject building is listed and they have no objection to the proposal as long as the integrity of the building is retained.

## COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the Approved Durand Neighbourhood Plan which designates the subject lands for "SINGLE, DOUBLE AND ATTACHED HOUSING".
3. The proposal has merit and can be supported for the following reasons:
  - it would facilitate the preservation of an architecturally significant building;



- considering the size of the property (approx. 22,738 sq.ft.), the proposed conversion to 3 condominium units is less intensive than the potential density of development, in that under the established "C" District zoning the subject property could be sub-divided into 5 single-family dwelling lots (see APPENDIX "C"), if the existing building was demolished;
  - each of the proposed units would have a minimum floor area of 232 m<sup>2</sup> (2,500 sq.ft.), which is approximately 3.5 x larger than the minimum By-law requirement for converted dwellings (65 m<sup>2</sup> or 700 sq.ft.), and significantly larger than the average single-family dwelling;
  - it would not detract from the character of the surrounding area;
  - it is suitably located at the intersection of two major roads (Aberdeen and Bay).
4. With respect to the applicant's pending application to the Committee of Adjustment to reduce the required front yard setback on Bay Street South for the existing building (see BACKGROUND - Committee of Adjustment), a modification should be provided in the amending By-law to recognize the existing situation.
5. In order to mitigate potential spill-over effects from the required parking area (min. 4 spaces) on adjoining residential properties, the applicant should be required to provide the following:
- a minimum 1.5 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height between the boundary of the parking area and any adjoining residential district.

Furthermore, the subject lands should be placed under Site-Plan Control thereby allowing for the review of access, parking, drainage, etc. In this regard, the amending By-law should be held in abeyance pending the approval of a Site Plan.

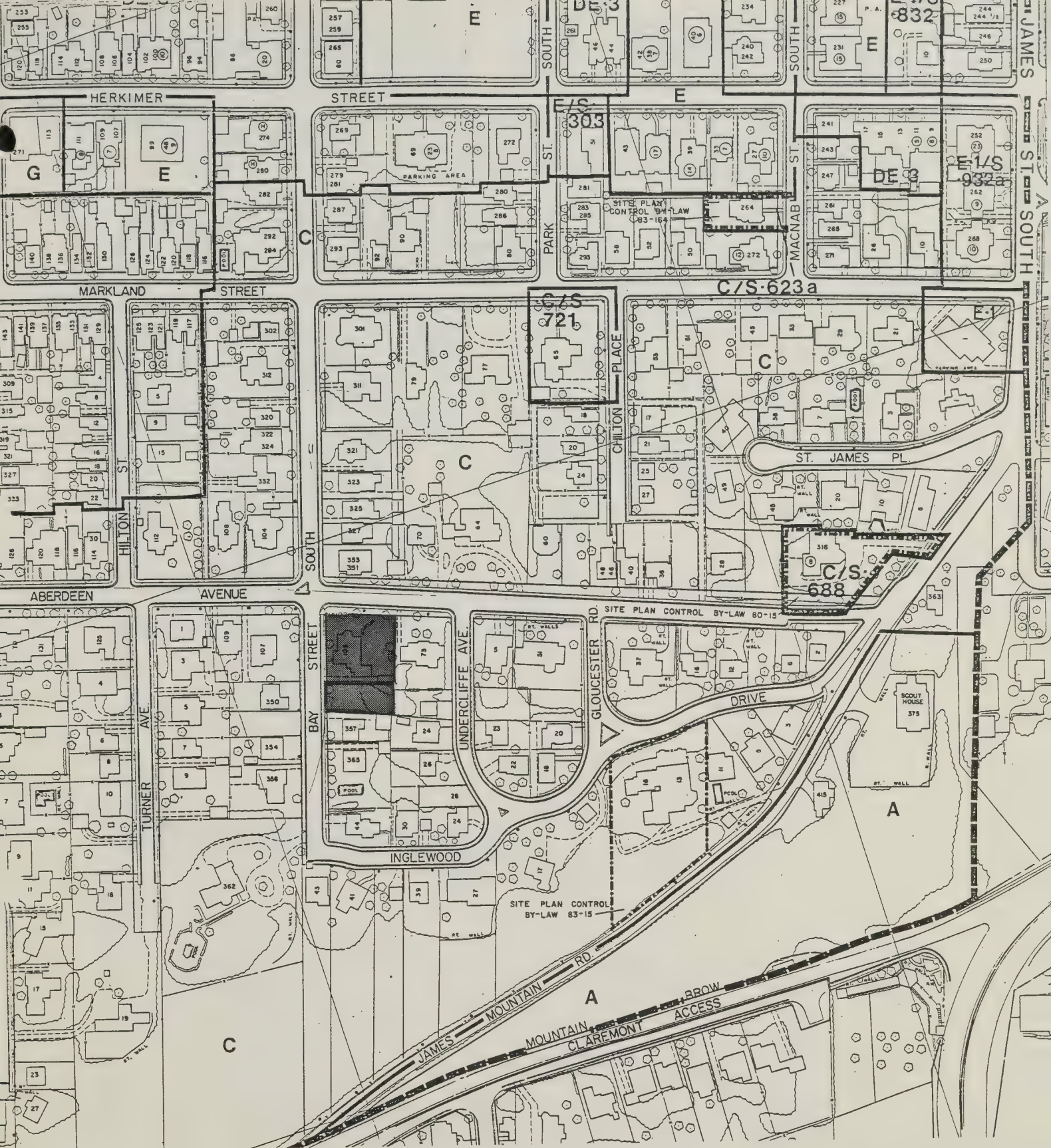
## CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma

WP0365P

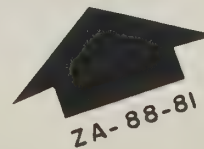




# LEGEND



SITE OF THE APPLICATION

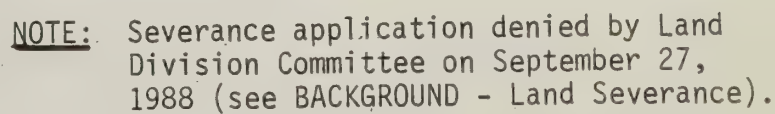


ZA-88-81





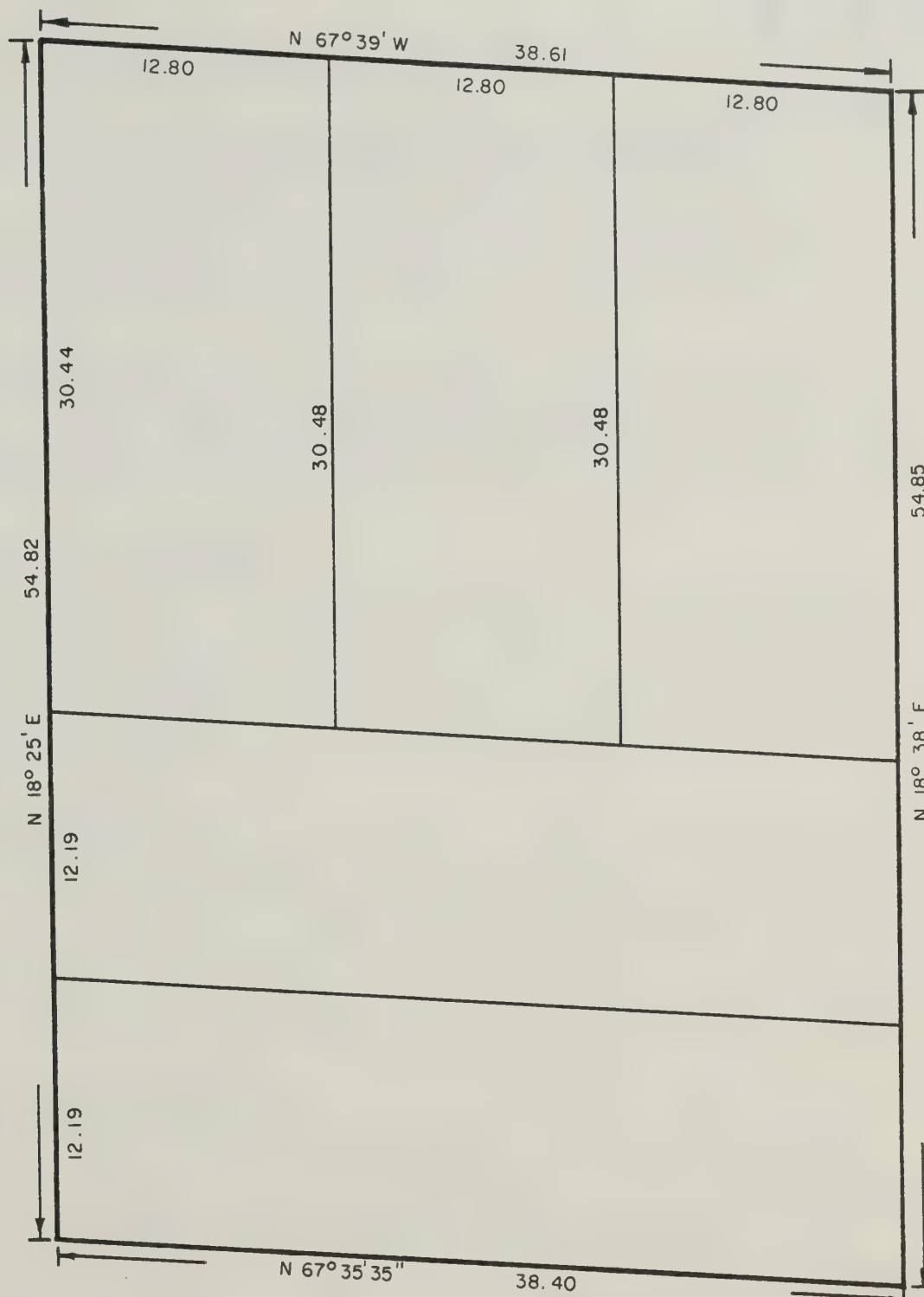
FILE NO: H-141-88  
DATE: AUGUST 2, 1988  
SCALE: N.T.S.





# ABERDEEN AVENUE

## BAY STREET SOUTH



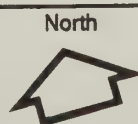
CITY OF HAMILTON

## APPENDIX "C"

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend

Potential Lot Configuration



Scale  
NOT TO SCALE

Date  
November 30, 1988

Reference File No.  
ZA 88 - 81

Drawn By  
F.V.





19a.

TO CITY OF HAMILTON, COMMITTEE OF ADJUSTMENTS  
FROM CONCERNED RESIDENTS OF THE NEIGHBOURHOOD.

SUBJECT: OBJECTIONS TO PROPOSED CHANGE TO THE "C" DISTRICT REGULATION  
REQUESTED BY 105 ABERDEEN AVENUE, FILE ZA-88-81,  
AND APPLICATION FOR LAND SEVERENCE, FILE H-141-88.

In order to preserve this interesting and unique residential area of Hamilton, we urge members of the committee to decline the request for the above modifications.

WHY WE ARE OBJECTING.

Any modification to the "C" District Regulation or for Land Severence in the heart of this unique and historically significant residential area of Hamilton, would set precedents, and provide the stage for gradual and unavoidable future requests by other residents for similar modifications, gradually eroding the residential quality of this area.

IMPACT OF SUCH A PRECEDENT

At this time, the immediate neighbourhood consists of grand, spacious and very fine old homes, many of which have historic and architectural significance. It is an important part of Hamilton, being one of the few examples representative of the older and finer character of the city, and is also one of the few exclusive and grand residential areas of Hamilton.

As such, the impact of the requested modification is not as minor as it first appears.

IMPACT IN THE FUTURE.

Such modifications, no matter how small the impact might seem in this case, would provide an example which other residents could use to justify and press for modifications to accommodate their interests. This would open the possibility of a gradual stream of applications which the committee would have to deal with, for which rationale to disallow future requests, would be difficult.

In the extreme, this could trigger a gradual undesirable change, the final result of which, would be unthinkable to all.

WE NEED TO BE CONSERVATIVE.

Whatever decisions made, will be permanent in nature, with no real opportunity for reversal. Because of this, we urge members of the committee to be conservative. For the benefit of residents of this area, now and in the future, such modifications ought not be permitted unless there is some great benefit to the city and to the neighbourhood.

Thank You.  
Yours Sincerely.

SIGNATURE

ADDRESS

DATE

Wendy Cairns

323 Bay St. S.

Sept. 11/88.

J. Cairns

323 Bay St. S.

Sept 16/88



F O R   A C T I O N

20.

REPORT TO:      SUSAN REEDER, SECRETARY  
                         PLANNING AND DEVELOPMENT COMMITTEE

FROM:            J. D. THOMS, COMMISSIONER  
                         PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 4  
COMM FILE:  
DEPT. FILE: CI-88-J

SUBJECT:

Request by the City Real Estate Department for an amendment to the "M-12", "M-13" "M-14" and "M-15" (Prestige Industrial) District regulations to permit an Engineering office as a permitted use within these Districts.

RECOMMENDATION

That approval be given to City Initiative 88-J for an amendment to the "M-12", "M-13", "M-14" and "M-15" (Prestige Industrial) District regulations of zoning By-law No. 6593 on the following basis:

- i)      That TABLE 4 COMMERCIAL USES of Section 17D, 17E, 17F and 17G of Zoning By-law No. 6593 be further amended by adding to the "M-12", "M-13", "M-14" and "M-15" Districts, the following commercial use:

S.I.C. Identification No.

Commercial Use

7752

Offices of Engineers

- ii)     That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council.
- iii)    That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a general text amendment to the "M" (Prestige Industrial) District provisions of the Zoning By-law No. 6593.

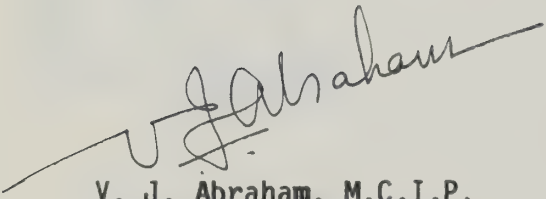
The effect of the By-law is to amend the list of commercial uses permitted within the "M-12", "M-13", "M-14" and "M-15" Districts, by the addition of the following use identified under the Standard Industrial Classification Code:

S.I.C. Identification No.

Commercial Use

7752

Offices of Engineers



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### LOCATION

The text amendment will effect all lands located within the City of Hamilton in the "M-12", "M-13", "M-14" and "M-15" (Prestige Industrial) Districts.

#### BACKGROUND

The City Real Estate Department has requested that the Planning and Development Department give consideration to a City Initiative to permit an "Engineering Office" use within the "M-12", "M-13", "M-14" and "M-15" (Prestige Industrial) Districts. (see letter attached marked as APPENDIX "A")

#### OFFICIAL PLAN

The subject lands are designated "Industrial", the proposal complies.

#### COMMENTS

Upon reviewing the list of permitted commercial uses, TABLE 4 of Section 17D through G of Zoning By-law No. 6593, it was concluded that an office for an Engineer would be no less objectionable within the "M-12", "M-13", "M-14" and "M-15" Districts than would an "architects office" which is already a permitted use. Therefore, the City Initiative can be supported.

GAW/ma

WP0136P



**Corporation of the City of Hamilton**  
**Memorandum**

\*\*\*\*\*

TO: Mr. V. J. Abraham  
Director of Local Planning

FROM: Mr. M.C.J. Watson  
Manager, Real Estate Division

OUR FILE:  
PHONE: (416) 526-4504

SUBJECT: Modification to M-12, M-13,  
M-14 and M-15 zoning categories  
to allow an "Engineer's Office"

DATE: 1988 August 9

After a meeting with Alderman Cowell regarding concerns raised by an industrial developer located within an M-14 district, it was apparent that the developer's potential client being an Engineering Office was not allowed in any of the above "M" Districts.

This has been confirmed by the Building Department.

Would you proceed expeditiously to amend the above mentioned zoning categories to allow this use.

*M. J. Watson*

MCJW/nh

c.c. Alderman Cowell  
Mr. P. Kuppe, Building Commissioner  
Attention: Mr. L. King

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.	Received			
C. 7. 98-1	AUG 11 1988			
TO	STAFF	INIT.	INFO.	ACT.
DIR.				
REG. A.				
REG. B.				
DEV.				
E.S.U.D.				
STAFF				
CART.				
ADMIN.				

*Dec. meeting*  
*Appendix A*  
*Do along with M-15 report*



FOR ACTION

21.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 18  
COMM FILE:  
DEPT. FILE: CI-87-F

SECOND REPORT

SUBJECT

Review of the Industrial Uses in the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts.

RECOMMENDATION

- (a) That approval be given to City Initiative 87-F to amend the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts to delete certain industrial uses which are currently permitted, on the following basis:

- i) That notwithstanding Section 17F ("M-14" District) the following industrial uses shall be prohibited:

<u>Identification No.</u>	<u>Industrial Use</u>
3254	Automotive Leaf Spring Manufacturing
3259	Automotive Firewalls Manufacturing
3561	Primary Glass and Glass Containers
3592	Asbestos Products

- ii) That notwithstanding Section 17G ("M-15" District) the following industrial uses shall be prohibited:

<u>Identification No.</u>	<u>Industrial Use</u>
3259	Automotive Firewalls Manufacturing
3561	Primary Glass and Glass Containers
3592	Asbestos Products
3699	Other Petroleum and Coal Products

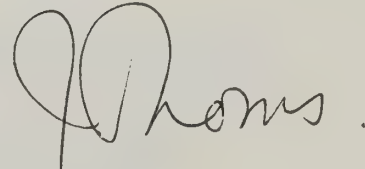
- iii) That the amending By-law recognize as legal conforming uses any of the industrial uses listed in recommendation (a)(i) and (ii) in the "M-14" and "M-15" Districts which are existing at the date of the passing of the amending By-law.
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for submission to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

### EXPLANATORY NOTE

The purpose of this By-Law is to provide for a modification to the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts, to delete the following industrial uses:

<u>Identification No.</u>	<u>Industrial Uses</u>	<u>District</u>
3254	Automotive Leaf Spring Manufacturing	"M-14" (Prestige Industrial) District
3259	Automotive Firewalls Manufacturing	"M-14" (Prestige Industrial) District "M-15" (Prestige Industrial) District
3561	Primary Glass and Glass Containers Manufacturing	"M-14" (Prestige Industrial) District "M-15" (Prestige Industrial) District
3592	Asbestos Products	"M-14" (Prestige Industrial) District "M-15" (Prestige Industrial) District
3699	Other Petroleum and Coal Products	"M-15" (Prestige Industrial) District

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms  
Commissioner  
Planning and Development

### BACKGROUND

At its meeting of May 11, 1988, the Planning and Development Committee authorized the Planning and Development Department to hold a public meeting concerning the amendments to the "M-14" and "M-15" (Prestige Industrial) Districts. The recommendations included in the second report are the same as those contained in the first report (see attached).



The study was initiated in response to the recent location of an asphalt plant on Upper Ottawa Street (south of Rymal Road) within 80 m (262.47 feet) of residential use. It appears that some of the industrial uses currently permitted within the "M-15" District are not compatible with surrounding land uses, especially the residential to the west.

A further investigation revealed other non-compatible uses in both the "M-14" as well as the "M-15" District.

By way of explanation, the Zoning By-law identifies permitted uses according to Standard Industrial Classification Codes (S.I.C.). The SIC code profiles industries according to output. In many instances, several uses may be included under 1 classification code. A good example is the classification referred to as industrial organic chemical industries which includes a wide range of uses such as the production of citric acid, DDT, salicylic acid, etc. The SIC codes are used in the Zoning By-law because it allows for a consistent interpretation of the functions, activities and output of industrial uses.

## ANALYSIS

The Planning and Development Department has worked closely with the Ministry of the Environment (M.O.E.) in order to accurately identify those industrial uses which may have adverse environmental impacts on sensitive land uses (primarily residential). M.O.E. has recognized the importance of land use conflicts such as industrial/residential. As a result, in 1986, the Ministry prepared a provincial policy statement titled, "ENVIRONMENTAL LAND USE COMPATIBILITY".

According to the draft paper, the Province has identified 2 policies regarding industrial uses:

- "a) New sensitive land uses be separated from existing and committed industrial uses to avoid or satisfactorily mitigate the adverse environmental effects of odour, noise, vibration, particulate and other contaminants.
- b) New or expanding industrial uses be separated from existing or committed sensitive land uses to avoid or satisfactorily mitigate the adverse environmental effects of odour, noise, vibration, particulate and other contaminants."

The province has also recognized the importance of the municipality's role in "identifying, separating and protecting sensitive land uses from emission sources". The Ministry of the Environment will aid the municipality in identifying possible industrial uses which should be separated from sensitive land uses.

Based on the policy statements noted above, the Ministry has defined 2 classes of industrial uses: heavy and medium.

## 1) Heavy Industry

Large scale industrial, manufacturing or processing uses that may release objectionable odours should be located a minimum of 300+ metres from sensitive land uses. This distance should be increased to over 1,000 metres depending on the individual and potential problems associated with the individual plants.

M.O.E. lists several uses which should not be located within the Mountain Industrial Park given the close proximity of residential areas. Of the 31 uses listed, only 4 are permitted in the "M-15" District. They include:

- o charcoal plant (S.I.C. - 3699)
- o coal tar refining of products manufacturing (S.I.C. - 3699)
- o asphalt roofing and shingles plant (S.I.C. - 3699)
- o asphalt manufacturing (S.I.C. - 3699)

These uses are listed under one identification number (standard industrial classification code) - 3699 (Other Petroleum and Coal Products) in the "M-15" District.

## 2) Medium Industry

Processing, manufacturing and industrial uses which have heavy outdoor storage of waste or materials and/or have potential for infrequent, but hard to control annoyance emissions, should be located between 90 - 300 metres from nearby sensitive land uses.

The Ministry has identified several "medium industrial uses" which should be adequately separated from residential areas. Only 11 of the 35 uses identified are permitted in the "M-14" and/or "M-15" Districts. They are:

- o cheese manufacturing (S.I.C. - 1049)
- o corn drying (S.I.C. - 1099)
- o pickles manufacturing (S.I.C. - 1099)
- o breweries (S.I.C. - 1131)
- o pallet manufacturing (S.I.C. - 2561)
- o asphalt plant (S.I.C. - 3699)
- o asbestos products (S.I.C. - 3592)
- o bottle and glass manufacturing (S.I.C. - 3561)
- o wire strapping manufacturing (S.I.C. - 3052)
- o automotive firewalls manufacturing (S.I.C. - 3259)
- o automotive leaf spring manufacturing (S.I.C. - 3254)

After discussions with the Ministry of the Environment and the City of Hamilton's Noise Control Officer, it was concluded that only 5 of the uses identified above should be eliminated from the "M-14" and/or "M-15" Districts. With the advancement of technology for noise abatement and emission control, any potential particulates, noise or vibration from the industries can be controlled both through adequate building construction and enforcement of existing laws and by-laws by the appropriate authorities.

The 5 industrial uses which should be prohibited are: (asphalt plants, etc. or other petroleum and coal products) asbestos products, glass and bottle manufacturing, automotive firewall and leaf spring manufacturing.

o Asphalt Plants (S.I.C. 3699)

Asphalt Plants may have some odour emissions which may be difficult to control. Accordingly, their location near residential areas is not appropriate from a land use perspective. As such, it should be eliminated from the "M-15" District.

o Asbestos Products Manufacturing (S.I.C. - 3592)

Asbestos is considered a hazardous material. If an accident did occur, adjacent residential areas could be seriously affected. In addition, there may be possible hard to control emissions. The Economic Development Department and Ministry of the Environment have indicated, to the best of their knowledge, no asbestos plants are located within the City of Hamilton. This use should be deleted from both the "M-14" and "M-15" Districts.

o Bottle and Glass Manufacturing (S.I.C. - 3561)

Due to the nature of bottle and glass manufacturing, it is generally considered to be a heavy industrial use. The major source of problems associated with this type of industry is the particulates from sand, silicate, etc., elements used in the manufacturing of glass. Accordingly, to avoid any possible impact on adjacent residential areas, the use should be eliminated from the "M-14" and "M-15" Districts.

o Automotive Firewalls Manufacturing (S.I.C. 3259)

The processing of automotive firewalls involves the use of phenolic resins, which are highly odoriferous and toxic substances. The odours are fairly difficult to contain and on this basis, such an industry should not be located near a residential area. In this regard, it should be eliminated from the "M-14" and "M-15" Districts. There does not appear to be this type of industry in the City.

o Automotive Leaf Spring Manufacturing (S.I.C. - 3254)

This industry has a tendency to create noise emissions which result from the process of "moulding" the steel. As a result, the automotive leaf spring manufacturing use should be deleted from the "M-14" District. It may be noted that there does not appear to be this type of industry within the City of Hamilton.



### ADDITIONAL COMMENTS

- 1) Any separation distance requirement established by Ministry of the Environment is a guideline only. Such requirements must be analyzed in conjunction with buffering techniques and technological equipment used to control vibrations, noise and air particulates. Therefore, some of the uses listed in the medium industry category should not be removed from the "M-14" and "M-15" District.
- 2) The Business Land Use Advisory Board, at its meeting of April 18, 1988, reviewed this report. The Board endorsed the report; however, was concerned that any existing uses and recent purchasers of lands would have the right to have the excluded uses recognized as legal conforming uses.

It is appropriate to recognize the existing uses as legal conforming uses; however, the by-law cannot protect any vacant parcels of land because there is no way to determine how the lands are intended to be developed. In this regard, recent purchasers of "M-14" and "M-15" lands whose properties are vacant will be subject to the amending by-law.

### CONCLUSION

Based on the foregoing, the proposal to delete industrial uses from the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts which are not compatible with residential uses can be supported.

JH/dkp

VP 0021P





P5-4-3-2-2

April 20, 1988

Members of the City of Hamilton  
Planning and Development Committee

Re: Business Land Use Advisory Board - Response to Review of  
Industrial Uses in the "M-14" (Prestige Industrial)  
and "M-15" (Prestige Industrial) Districts

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The Business Land Use Advisory Board, at its meeting of April 18, 1988, reviewed a draft report on the above-noted study. The Board, in discussing this matter, endorsed the staff recommendation to delete certain potentially noxious uses from the "M-14" and "M-15" Districts. The Board, however, was concerned that both existing uses, as well as recent purchasers of lands for the excluded uses, be protected and recognized in the amending by-law.

Accordingly, I have been requested to advise the Planning and Development Committee that the Business Land Use Advisory Board endorses the staff recommendation regarding the deletion of certain potentially noxious uses from the "M-14" and "M-15" Districts, provided that the existing uses, as well as the purchasers of lands for the excluded uses, be protected in the amending by-law.

I trust these comments will assist you in assessing the merits of the recommendations of this study.

Yours truly,

Alderman John Smith  
Chairman  
Business Land Use Advisory Board

CF/dkp

c.c. - V. J. Abraham, Director of Local Planning

WP 0121P

# FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 May 3  
COMM FILE:  
DEPT. FILE: CI-87-F

## SUBJECT

Review of the Industrial Uses in the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts.

## RECOMMENDATION

- (a) That the Planning and Development Committee authorize the Planning and Development Department to arrange a public meeting to consider amendments to the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts as a City Initiative to delete certain industrial uses which are currently permitted, on the following basis:

- i) That notwithstanding Section 17F ("M-14" District) the following industrial uses shall be prohibited:

<u>Identification No.</u>	<u>Industrial Use</u>
3254	Automotive Leaf Spring Manufacturing
3259	Automotive Firewalls Manufacturing
3561	Primary Glass and Glass Containers
3592	Asbestos Products

- ii) That notwithstanding Section 17G ("M-15" District) the following industrial uses shall be prohibited:

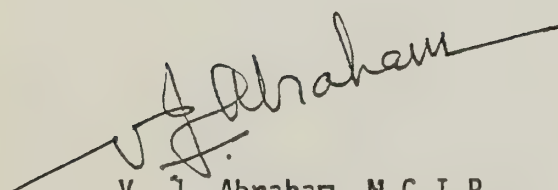
<u>Identification No.</u>	<u>Industrial Use</u>
3259	Automotive Firewalls Manufacturing
3561	Primary Glass and Glass Containers
3592	Asbestos Products
3699	Other Petroleum and Coal Products

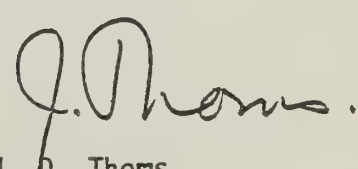
- iii) That the amending By-law recognize as legal conforming uses any of the industrial uses listed in recommendation (a)(i) and (ii) in the "M-14" and "M-15" Districts which are existing at the date of the passing of the amending By-law.
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

### EXPLANATORY NOTE

The purpose of this By-Law is to provide for a modification to the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts, to delete the following industrial uses:

<u>Identification No.</u>	<u>Industrial Uses</u>	<u>District</u>
3254	Automotive Leaf Spring Manufacturing	"M-14" (Prestige Industrial) District
3259	Automotive Firewalls Manufacturing	"M-14" (Prestige Industrial) District "M-15" (Prestige Industrial) District
3561	Primary Glass and Glass Containers Manufacturing	"M-14" (Prestige Industrial) District "M-15" (Prestige Industrial) District
3592	Asbestos Products	"M-14" (Prestige Industrial) District "M-15" (Prestige Industrial) District
3699	Other Petroleum and Coal Products	"M-15" (Prestige Industrial) District

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms  
Commissioner  
Planning and Development

### BACKGROUND

The Planning and Development Committee at its meeting of April 1, 1987, directed the Planning and Development Department to review the industrial uses, permitted in the "M-15" Districts. The purpose of the review is to identify any industrial use which should be excluded from the "M-15" District because of the possibility of noise and air pollution that may impact on residential areas in relatively close proximity to these districts.





DEC - 1 1983

December 1, 1983

C.I. 87-F.

21a.

The Corporation of  
The City of Hamilton  
Planning and Development  
Committee

Dear Sir or Madam,

I am 100% opposed to  
the proposed changes. We feel it  
will damage the prestige of  
the area

Sincerely,  
*Anthony Zarowe*

ANTHONY ZAROWE  
819 Brucedale E.

PROPOSED CHANGE IN ZONING - MODIFICATION TO THE M-14 AND M-15 DISTRICTS

PROPERTY DESCRIPTION - MOUNTAIN INDUSTRIAL AREA (SEE ATTACHED MAP)

I AM IN FAVOUR OF ( )

OPPOSED TO (X) (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

.....  
ANTHONY, ZAROCNE LIMITED  
419 BRUCEDALE AVE E  
HAMILTON, ONT

L8V 1A9

*Anthony Zarocne*  
.....SIGNED

PLEASE DIRECT INQUIRIES TO  
PLANNING DEPT 526-4445

.....  
FILE-C187-4      SEQ-00034      .....

FOR ACTION

22.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 December 6  
COMM FILE:  
DEPT. FILE: CI-86-U

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

General Text Amendment to Zoning By-law No. 6593 respecting Flea Markets.

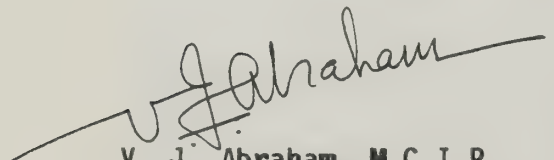
RECOMMENDATION

- (a) That approval be given to CI-86-U providing for a general text amendment to Zoning By-law No. 6593 respecting flea markets on the following basis:
- i) That Section 2 (Interpretation and Definitions) be amended by adding the following new definitions:
    1. "2.2(D)(ia) "Flea market" means a place, building or structure on or in which are situated stands at which trades, calling businesses or occupations are carried on by separate vendors"
    2. "2.2(D)(via) "Stand" means an area in the flea market at which new or used goods are exposed or offered for sale.
    3. Renumber subsequent clauses accordingly.
  - ii) That Section 13B, "G-2" (Regional Shopping Centre) District be amended by adding a "flea market" as a permitted commercial use under a new Section 13B(1)(k);
  - iii) That Section 15, "I" (Central Business District, etc.) District be amended by adding a "flea market" as a permitted commercial use under a new Section 15.(1)(viia);
  - iv) That a flea market shall be prohibited where it abuts a residential district except in a "G-2" (Regional Shopping Centre) District;
  - v) That a flea market shall be prohibited outdoors.
  - vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for submission to City Council;
  - vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

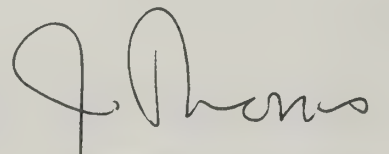
### EXPLANATORY NOTE

The purpose and effect of this by-law is to provide for a general text amendment to the Zoning By-law No. 6593;

- o to establish definitions of a flea market, and a "stand" and,
- o to permit a flea market as a commercial use in "G-2" (Regional Shopping Centre) District, "I" (Central Business District, etc.) District, "J" (Light and Limited Heavy Industry, etc.) District and "K" (Heavy Industry, etc.) District;
- o to prohibit a flea market where it abuts a residential district except in the "G-2" (Regional Shopping Centre) District;
- o to prohibit outdoor flea markets.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development  
Department

### FINANCIAL IMPLICATIONS

N/A.

### PROCEDURES BY OTHER MUNICIPALITIES

Sixteen municipalities were surveyed to determine how they control flea markets. Table 1 summarizes the results accordingly.

None of the municipalities define flea markets in the Zoning By-law, per se. Most cities consider them under the definition of retail stores/outlets. Therefore, they are permitted uses in commercial zones. The parking requirements are based on those that apply to the retail stores.

Etobicoke and Cambridge have slightly more specific regulations dealing with this issue.

Etobicoke requires all retail outlets to sell new goods. Outdoor "flea markets" are prohibited within the municipality.

Cambridge considers flea markets as a retail use having an outside display or sales area accessory to a highway commercial use. Under the Highway Commercial Zoning District, these display areas are not permitted in areas that abut residential zones or uses.



## EXISTING ZONING BY-LAW PROVISIONS

The zoning By-law does not contain a definition of "flea market". It may be considered as one of the following three uses and would be permitted in the following districts.

<u>Use</u>	<u>District</u>
1. retail store	"G", "G-1", "G-2" "H", "HH", "I" - Commercial "J", "K", "M-11" - Industrial
2. second hand goods shop	"H", "HH", "I" - Commercial "J", "K", "M-11" - Industrial
3. salvage yards	"K" and "KK" - Industrial

The parking requirement for these uses are based on the following:

<u>Size of Building</u>	<u>Parking Requirements</u>
450 m <sup>2</sup> - 3,700 m <sup>2</sup>	1 space per 31 m <sup>2</sup> of floor area
3701 m <sup>2</sup> - 12,800 m <sup>2</sup>	1 space for 17 m <sup>2</sup> of floor area
12,800 m <sup>2</sup> and up	1 space per 20 m <sup>2</sup> of floor area.

## ANALYSIS OF EXISTING LICENSING BY-LAW 87-234

### o Definitions

By-law 87-234 (Licensing By-law) provides for definitions of a "flea market" and a "stand". These definitions were established by the private members bill, PR15, which gives the City the power to licence, regulate, govern and inspect flea markets.

### o Radial Separation Distance

By-law 87-234 states that a "flea market cannot be established within 500 m (1,640 ft.) of a residentially zoned area. This restriction effectively eliminates flea markets from locating in almost all commercial districts ("G", "G-1", "G-2", "H", "HH", "CR", "I" 's) and severely limits the uses from locating within the industrial district ("J", "JJ", "K", "KK", "M" 's) because a large portion of the lands are within 500 m of a residentially zoned area. This regulation would make it almost impossible for a new flea market to open in Hamilton.

Rather than to prohibit flea markets, it would be more appropriate to regulate their location by limiting them to certain commercial and industrial districts as well as including the appropriate parking requirements in the Zoning By-law.

o Parking Requirements

With respect to flea markets, By-law 87-234 requires 1 space per 3 patrons accommodated on the premises. The licensing requirement is inconsistent with Zoning By-law requirements for similar type of retail uses since the Zoning By-law bases its requirements on the size of the building rather than occupancy. In addition, parking regulations are more appropriately included in the Zoning By-law. On this basis, By-law 87-234 should be amended to delete the parking regulations and appropriate provisions included in the Zoning By-law.

ANALYSIS OF PROPOSED AMENDMENTS TO THE ZONING BY-LAW

o Definitions

A definition of "flea market" is required to differentiate it from retail stores, second-hand shops, and salvage yards. The province has established the definitions of a "flea market" and a "stand". The same definitions should be included in the zoning by-law as well. Further, this will ensure that consistency is maintained between both the licencing and zoning by-laws.

o Location Restrictions

To mitigate any parking problems, one of the most appropriate solutions is to limit flea markets to commercial and industrial areas where larger parking lots are available and public transit is easily accessible. As such, this use should be restricted to the "G-2" (Regional Shopping) Districts, "I" (Central Business District, etc.) District, "J" (Light and Limited Heavy Industry, etc.) District and "K" (Heavy Industry) District.

The by-law would prohibit flea markets in the "I", "J" and "K" Districts from, abutting any residential district. Although, the "G-2" District locations abut residential districts, the impact on the surrounding residential area is minimal since large parking lots are available to serve the existing shopping centres. In addition, flea markets usually operate on Sundays, so there would be no conflict between the two uses.

Further, flea markets would have to be located within a building or a structure, thereby eliminating the possibility of outside flea markets being established. This restriction would minimize any noise impacts emanating from flea markets located outside.

o Parking Requirements

The proposed parking requirements for flea markets should be based on the existing requirements for shopping centres and retail stores, as follows:

<u>Size of Building</u>	<u>Parking Requirements</u>
450 m <sup>2</sup> - 3,700 m <sup>2</sup>	1 space per 31 m <sup>2</sup> of floor area
3701 m <sup>2</sup> -12,800 m <sup>2</sup>	1 space per 17 m <sup>2</sup> of floor area
12,800 m <sup>2</sup> and up	1 space per 20 m <sup>2</sup> of floor area

Flea markets which are located in an "I" District would not require parking because the downtown area is exempt given that public transit and parking lots are easily accessible.

#### COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposed Zoning By-law amendments should be supported for the following reasons:
  - a) the definitions of both a "flea market" and a "stand" should be included in the zoning by-law in order to identify them as distinct uses. The definitions should be consistent with those contained in both the private members bill and the licencing by-law.
  - b) the location of flea markets would be restricted to 4 districts: the "I" (Central Business) district "G-2" (Regional Shopping Center); "J" (Light and Limited Heavy Industry) District; and "K" (Heavy Industry) District. In addition, the use would be restricted from locating in these districts (except "G-2"), if the property abuts a residential district. These districts were chosen specifically because they are the ones which have the least affect on residential districts and have larger parking areas.
  - c) The flea markets would be prohibited from locating outdoors, thereby eliminating any noise impacts which emanate from such outdoor uses.
  - d) The proposed parking requirements are consistent with the requirements for shopping centers and retail establishments presently included in the zoning by-law.

JH:cs/dkp/ma

WP 0330P

TABLE 1  
FLEA MARKETS

<u>CITY</u>	<u>DEFINED IN ZONING BY-LAW</u>	<u>ZONING REGULATIONS</u>	<u>REQUIRE LICENSES (Either Vendor or Market)</u>
Etobicoke	No	- considered as a retail outlet  - must sell new goods  - outdoor flea markets are prohibited	No
Kitchener	No	- None	Yes
London	No	- No specific regulations	Yes
Ottawa	No	- considered as a retail business	Depends on type merchandise sold
Sault Ste. Marie	No	- considered under retail sales	Yes. If selling goods made out- side the home
Scarborough	No	- considered as a retail store	Yes
St. Catharines	No	- None	No response
Toronto	No	- considered as a retail store	Yes
Thunder Bay	No	- None	No
Waterloo	No	- only one flea market which located in downtown	No
Windsor	No	- considered as a retail use	Yes



F O R   A C T I O N

23.

REPORT TO:     SUSAN REEDER, SECRETARY  
                     PLANNING AND DEVELOPMENT COMMITTEE

FROM:           J. D. THOMS, COMMISSIONER  
                     PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 December 5  
COMM FILE:  
DEPT. FILE: P5-2-53  
GOURLEY NEIGHBOURHOOD

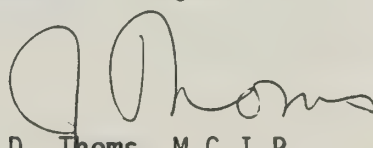
SUBJECT:

Proposed plan for Gourley Neighbourhood.

RECOMMENDATION

1.    That the proposed Gourley Neighbourhood Plan attached as Map 1 be adopted by Council.
2.    That a tree preservation plan be required as part of the process for plan of subdivision for the area designated for larger lots.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

Some of the designated parkland would need to be acquired. Money is available from the 5% Parks Fund.

The second access to West 5th Street will require additional costs. Financing of these costs would come from the reserve for property acquisition.

These items will be dealt with by the Parks and Recreation Committee and the Transportation Environment Committee respectively once the plan has been adopted by City Council.

## BACKGROUND

- o The original Gourley plan, which was adopted by Council in 1972, was for the western portion of the neighbourhood. The western portion of the neighbourhood is fully serviced and developed.
- o The Region is installing a trunk sewer west of West 5th Street and local sewers on West 5th Street and Stone Church Road, which will service the remainder of the Gourley Neighbourhood.
- o The Neighbourhood Study was commenced in August 1987. Background information was collected on land use, ownership, topography, etc. and a plan prepared based on the general guidelines in the Official Plan.
- o The Gourley Neighbourhood Plan attempts to provide a functional and attractive living environment for the residents of the Neighbourhood. The proposed plan provides for an elementary public school, an elementary separate school, active parkland and a large area of woodland at the centre of the neighbourhood. The neighbourhood is planned to be predominantly low density dwellings but with some town housing on the periphery. The road layout has been planned to allow easy access from one part of the neighbourhood to another but has been designed to discourage through traffic.
- o A report was prepared by the Planning and Development Department on February 9, 1988 outlining the proposed Gourley Neighbourhood Plan and recommending that a public meeting be held. This recommendation was approved at the Planning and Development Committee meeting on February 24, 1988.
- o A public meeting was held on March 23, 1988 to discuss the proposed Neighbourhood Plan.

The following items were discussed at the public meeting:

- Separate Secondary School site location;
- Preservation of the wood lot;
- Additional access from the interior of the neighbourhood to West Fifth Street;
- Traffic movements and controls;
- Objection to proposed townhouse designation;
- Possible enlargement of Park site for active recreational uses;
- The elimination of surface flooding by means of the installation of sewers; and,
- Proposed bridging of West 5th Street over the planned East-West Arterial expressway.

## ANALYSIS

The Planning Department report dated February 9, 1988, The Minutes of the Public Meeting, the petition from the Gourley Park Community Association and the submissions, are available on request from Susan Reeder, Planning and Development Committee Secretary. Map 2 shows the location of submittees.

## SUBMISSIONS REVIEW

### ISSUE: STARWARD HOMES DRAFT PLAN OF SUBDIVISION

SUBMITTEE: 1) A. J. Clarke and Associates Engineers and Surveyors and May, Pirie and Associates Limited Land Use Planning and Consultants on behalf of Starward Homes

## CONCERN

Submitted a draft plan Orchard Park Estates showing 138 single family lots.

The proposed draft plan, Orchard Park Estates, does not conform with the proposed plan. The proposal involves development of approximately 1.60 acres of mature woodland owned by the developer. The developer is anxious to develop as much of their lands as possible and would like to develop larger homes next to the woodlot.

## COMMENT

It is desirable to have a mix of housing in the neighbourhood and the most suitable place is between the woodlot and Chesley Street. Larger lots already exist in the area and the area is attractive being adjacent to the woodlot and containing some additional tree cover. Vegetation should be retained wherever possible and larger lots will encourage this. Tree surveys should be included as part of the plan of subdivision to enable as many trees to be retained as possible particularly on the eastern part of the woodlot. A strip of city lands 135 feet deep has been included in the developable area. This will reduce the cost of parkland acquisition for the City and allow the developer to build on more land.

The layout would necessitate a land exchange between the City and the developer of approximately 2.02 acres (Map 3).

The Proposed Neighbourhood Plan designates approximately 15.17 acres of parkland. The City owns 8.76 acres of this parkland designation. The difference of 6.41 acres will have to be purchased by the City with the 5% Parkland Dedication Fund.

ISSUE: SEPARATE SECONDARY SCHOOL SITE

<u>SUBMITTEES:</u>	2.	Mrs. K. Gardiner	204 Golden Orchard Drive
	3.	Mr. D. Gardiner	204 Golden Orchard Drive
	4.	Mr. D. Young	11 Golden Orchard Drive
	5.	Mr. and Mrs. J. Morris	20 Grenoble Road
	6.	Mrs. R. Giles	50 Grenoble Road
	7.	Mr. and Mrs. G. Kwasney	56 Duncairn Crescent
	8.	Mr. and Mrs. St. Smith	63 Duncairn Crescent
	9.	Mr. and Mrs. D. Taylor	64 Duncairn Crescent
	10.	Ms. J. Bard	71 Duncairn Crescent
	11.	Mr. P. Byers	75 Duncairn Crescent
	12.	Mr. and Mrs. W. Gait	64 Glenview Place
	13.	Mr. and Mrs. G. Baker	898 West 5th Street

CONCERN

Object to the proposed location of the Separate School Site.

COMMENT

We have worked with the Separate School Board that they are no longer interested in locating a Secondary School in this neighbourhood. They have opted for a site in the Falkirk East Neighbourhood.

ISSUE: WOOD LOT

<u>SUBMITTEES:</u>	14.	Mrs. K. Gardiner	204 Golden Orchard Drive
	15.	Mr. D. Gardiner	204 Golden Orchard Drive
	16.	Mr. D. Young	11 Golden Orchard Drive
	17.	Mr. and Mrs. R. Fidler	58 Fiona Crescent
	18.	Mr. and Mrs. D. Moore	140 Fiona Crescent
	19.	Mr. and Mrs. J. Morris	20 Grenoble Road
	20.	Mrs. R. Giles	50 Grenoble Road
	21.	Mr. and Mrs. G. Kwasney	56 Duncairn Crescent
	22.	Mr. and Mrs. St. Smith	63 Duncairn Crescent
	23.	Mr. and Mrs. D. Taylor	64 Duncairn Crescent
	24.	Mr. and Mrs. W. Gait	64 Glenview Place
	25.	Mr. and Mrs. G. Baker	898 West 5th Street

CONCERN

Support the preservation of the wood lot.

COMMENT

It is desirable to preserve the woodlot. However, the owner of part of the woodlot, Starward Homes wishes to develop their lands. The City must also consider expenditures. The matter is addressed more fully in Issue 1.



ISSUE: PROPOSED ACCESS TO WEST 5th STREET

SUBMITTEES:

- |     |   |                           |
|-----|---|---------------------------|
| 26. | Mrs. K. Gardiner                                      | 204 Golden Orchard Drive  |
| 27. | Mr. D. Gardiner                                       | 204 Golden Orchard Drive  |
| 28. | Mr. D. Young  | 11 Golden Orchard Drive   |
| 29. | Mr. and Mrs. D. Moore                                 | 140 Fiona Crescent        |
| 30. | Mr. and Mrs. J. Morris                                | 20 Grenoble Road          |
| 31. | Mr. and Mrs. G. Baker                                 | 898 West 5th Street       |
| 32. | Mr. and Mrs. G. Thomas                                | 158 Chester Avenue        |
| 33. | Byrne, Martin and Beford                              | Barristers and Solicitors |
|     | On behalf of  | 810 West 5th Street       |
|     | and   | 107 Annabelle Street      |
| 38. | The Gourley Park                                      |                           |
|     | Community Association (13 signatures (see Appendix 1) |                           |

CONCERN

Object to Chester Avenue being the only access to West 5th Street. A need for additional access between Chester Avenue and the proposed Mountain Freeway is stressed. They are concerned that the existing and proposed interior road system which intersects with the arterial roads is not sufficient.

COMMENT

The proposed plan has been revised to show an additional access to West 5th Street between 866 and 876 West 5th Street which requires City funding.

ISSUE: TOWNHOUSE DESIGNATION ON STONE CHURCH ROAD

- |                    |     |                         |                          |
|--------------------|-----|-------------------------|--------------------------|
| <u>SUBMITTEES:</u> | 34. | Mrs. K. Gardiner        | 204 Golden Orchard Drive |
|                    | 35. | Mr. D. Gardiner         | 204 Golden Orchard Drive |
|                    | 36. | Mr. and Mrs. G. Kwasney | 56 Duncairn Crescent     |
|                    | 37. | Mr. and Mrs. D. Taylor  | 64 Duncairn Crescent     |

CONCERN

Object to the proposed attached housing designation because of the existing concentration of townhouses along Golden Orchard Drive, Garth Street and Stone Church Road.

COMMENT

The area should be designated for attached housing for the following reasons:

- o The City of Hamilton Official Plan requires that a variety of housing styles, types and densities be available in all residential areas of the city (Policy A.2.1.8);
- o Affordable housing is a key local issue with over 1,000 households on the Hamilton-Wentworth Housing Authority waiting list;
- o The Province has made housing affordability a priority and has recently changed the Planning Act to include "the provision of a range of housing types" as a matter of Provincial interest;
- o There is a critical shortage of developable townhouse sites available in the City. The only remaining sites currently zoned for townhouses are located at:
  - the south-east corner of Limeridge Road East and Upper Wellington Street; and,
  - The west side of Upper Wentworth Street between Stone Church Road East and Rymal Road.
- o The proposed site is appropriate for townhouse development, since it is located at the perimeter of the neighbourhood and at the intersection of an arterial road and a midblock collector road.
- o The maximum density for the neighbourhood is 35 people per gross acre as prescribed in the Official Plan. The residential density proposed for the neighbourhood is 22 persons per gross acre. Sewer and road capacities have been designed to include higher densities such as the subject site.
- o The provision of higher densities enables better energy efficiency and lower servicing costs per unit (e.g. sewers, transport, fire.)
- o The subject site would be the only additional block townhouse site in the neighbourhood. There would not be an overconcentration of townhouses.
- o The site is owned by the Provincial Government who support the attached housing designation.

ISSUE: SEPARATE ACCESS TO CONSTRUCTION SITES

SUBMITTEE: 38. The Gourley Park Community Association  
(13 signatures, see Appendix 1).

CONCERN

Suggest that contractors hauling material to and from new developments be required to provide separate accesses to the construction sites rather than using Brigadoon Drive.

COMMENT

The enforcement and administration of the Highway Traffic Act allows for material movements on any street, thus making it impossible to force developers to provide alternative access over land they do not own.

ISSUE: SOUND BARRIER, MOUNTAIN FREEWAY

SUBMITTEE:            39. Mr. D. Young                            11 Golden Orchard Drive

CONCERN

Would like a sound barrier along the Mountain Freeway when it is constructed in the future.

COMMENT

The Mountain Freeway construction will include a sound barrier. The proposed road is intended to be depressed with a 12' high berm either side.

ISSUE: PROPOSED ROAD FRONTING JAMES MACDONALD SCHOOL

SUBMITTEES:        40. Mr. and Mrs. R. Fidler        58 Golden Orchard Drive  
                         41. Mr. and Mrs. G. Baker        898 West 5th Street  
                         42. Mr. and Mrs. D. Moore        140 Fiona Crescent

CONCERN

Mr. and Mrs. R. Fidler and Mr. and Mrs. G. Baker are concerned about traffic and safety along the proposed road fronting James MacDonald School. They suggest that the proposed extension of Brigadoon Drive be continued to the proposed extension of Chesley Avenue to avoid the need for a road in front of James MacDonald School.

COMMENT

The proposed road will carry mostly local traffic and is an important link between Brigadoon Drive and Chester Avenue. The proposed road will be posted to show the motorists that they are in a school zone and there will be a 3-Way stop at Chester Avenue and the extension of Brigadoon Drive to slow traffic. The road in front of James MacDonald School will also provide school bus loading and unloading facilities. Submittee Mr. and Mrs. D. Moore support the proposed road.

ISSUE: STREET LAYOUTS

SUBMITTEE: 43. Mr. and Mrs. R. Moore 140 Fiona Crescent

CONCERN

For safety reasons they suggest the elimination of curves so that all bends are at a 90 degree angle.

Comment

The curvilinear street pattern allows a more interesting streetscape and greater flexibility in road design and traffic circulation.

ISSUE: TOWNHOUSE SITE ACCESS

SUBMITTEE: 44. Mr. and Mrs. J. Morris 50 Grenoble Road

CONCERN

Suggest widening of the intersection at Chester Avenue and West 5th Street including left turn lanes.

COMMENT

Allowance has been made for left hand turns in the road right-of-way at Chester Avenue and West 5th Street. However, there are no immediate plans for intersection improvements at Chester Avenue and West 5th Street. These will be implemented when traffic volumes require this.

ISSUE: PROPOSED ROAD LOCATION IN FRONT OF JAMES MACDONALD SCHOOL

SUBMITTEE: 46. Mr. and Mrs. G. Thomas 158 Chester Avenue

CONCERN

Suggest that the proposed road be located entirely on the adjacent school lands because there is not sufficient space between the house and property boundary. Furthermore, they would like to maintain their privacy and enjoyment of their property.

COMMENT

The proposed road has been adjusted accordingly.



ISSUE: PROPOSED ROAD PATTERN

SUBMITTEE: 47. Byrne, Martin and Bedford, Barristers and Solicitors  
On behalf of owners of 810 West 5th Street and 107  
Annabelle Street

CONCERN

Request that Chesley Street and the proposed road between Chesley Street and Annabelle Street be extended to the north to provide through streets linking with proposed neighbourhood streets.

COMMENT

The proposed roads are not intended to carry through traffic. A cul-de-sac layout allows more land to be used for housing. We are not opposed to extending the roads to link with the road to the north if it is the wish of those affected. However, the cul-de-sac layout appears efficient and should remain as shown on the proposed Neighbourhood Plan.

ISSUE: PROPOSED ROAD AT THE REAR OF 194 CHESLEY STREET

SUBMITTEE: 48. Mr. and Mrs. W. Thornton 184 Chesley Street

CONCERN

Object because the proposed plan does not show a new road at the rear yard of their property.

Comment

As there is no proposal for a direct road to the rear lands of 184 Chesley Street, the area could be developed with adjacent lands by means of pie shaped lots fronting onto the proposed road. This can be controlled during the application for development of adjoining properties. The current proposal provides a more efficient use of land with less roads. The length of the north-south road is reduced. Although it is acknowledged that the owner of 184 Chesley does not have good access to the proposed road the the rear of this house, broader planning considerations support the retention of the proposed road layout.

ISSUE: PROPOSED ROAD PATTERN AT THE REAR OF 194 CHESLEY STREET

SUBMITTEE: 49. Mr. L. Harbottle 194 Chesley Street

CONCERN:

Suggest changes to the proposed road pattern to maximize the land used for residential.

COMMENT

The layout has been adjusted to achieve this.

ISSUE: SEWER EASEMENT

SUBMITTEE: 50. Mr. R. Richardson 204 Chesley Street

CONCERN

The location of the proposed sewer easement between 172 and 180 Chesley Street.

COMMENT

The Regional Engineering Department have confirmed that a sewer easement is required at this point.

ISSUE: PROPOSED STREET LOCATION FOR REAR LANDS OF 236 STONE CHURCH ROAD WEST

SUBMITTEE: 51. Mr. J. Jaskula, Barrister and Solicitor on behalf of  
Mrs. E. Orlicki, 236 Stone Church Road West.

CONCERN

Object to the proposed street layout because he felt too much land is devoted to roadway use.

COMMENT

The revised proposed road pattern has been adjusted to reduce the area devoted to roadway use.

ISSUE: WALKWAY BETWEEN 132 AND 142 STONE CHURCH ROAD

SUBMITTEE: 52. Mr. and Mrs. W. Schinkel 132 Stone Church Road West

<u>SUBMITTEES:</u>	54.	Mr. R. Harkness	148 Chesley Street
	55.	Mr. M. Ecker	156 Chesley Street
	56.	Mr. G. Zuccolin	160 Chesley Street
	57.	Mrs. M. Harding	166 Chesley Street
		Mrs. V. Fagen	166 Chesley Street

CONCERN

State that the location of half of the proposed road allowance at the rear of their properties would interfere with existing uses in their rear yards. Therefore, they suggest that the proposed road allowance be located on the adjacent lands to the west.

COMMENT

The proposed road allowance has been adjusted accordingly.

ISSUE: DRAFT PLAN OF SUBDIVISION, 832 WEST 5th STREET

SUBMITTEE: 59. A. J. Clarke and Associates Engineers and Surveyors on behalf of Mr. and Mrs. F. Fontana, 832 West 5th Street

CONCERN

Submitted a draft plan - Fontana Gardens, showing 21 single family lots and Block 23 for future residential development.

COMMENT

The proposed draft plan provides a road connection from the interior of the neighbourhood to West 5th Street. However, this is an unsuitable location since it forms a dogleg with the access to Kernighan Neighbourhood to the East. Conflicting traffic movements would create a safety hazard. There is no scope for moving the Kernighan access without demolishing a house. An alternative access from the interior of the Neighbourhood has been provided over land at West 5th Street, which requires City funding. A 20 feet wide walkway and watermain easement are required to West 5th Street over the Fontana lands.

ISSUE: PROPOSED BLOCK TOWNHOUSES IN THE NORTHEASTERN PORTION OF THE NEIGHBOURHOOD

SUBMITTEE: 60. G. Schneider on behalf of:  
Maple Park Developments Limited;  
B. Morrison; and,  
Starward Homes

CONCERN

Submitted a sketch showing a proposed street pattern, with blocks along the Mountain Freeway for townhousing.



COMMENT

Block townhouses should normally be located with direct or easy access to arterial roads so that higher volumes of traffic do not have to use the interior the the neighbourhood and that areas with potentially lower car ownership are closer to public transport. Street townhouses abutting the mountain freeway using the proposed road pattern may be appropriate. Such a layout would help to buffer the interior of the neighbourhood from freeway noise while generating minimal additional traffic.

ISSUE: COMMERCIAL AND APARTMENTS AT 1002 WEST 5th STREET

SUBMITTEE: 61. Mr. G. Marazzato, 142 Stone Church Road West, owner of 1002 West 5th Street.

CONCERN

Submitted a zoning application (ZA-88-28) Block 1 for commercial and apartments, and Block 2 for single family houses.

COMMENT

Commercially zoned land is available along Upper James Street Neighbourhoods.

ISSUE ACTIVE RECREATION

SUBMITTEE: 62. Culture and Recreation Department  
Parks Division

CONCERN

Lack of active parkland.

COMMENT

The removal of the Secondary School from the neighbourhood also removes playing fields. Currently, the public school lands are used for soccer and baseball to the maximum extent. An area of about        acres has therefore been included in the proposed plan which will also link the public school lands to the woodland. The land is currently owned by Starward Homes. Comments on cost are included in their submission.

## CONCLUSION

The Neighbourhood Plan has been redesigned to accommodate the need to:

- provide active parkland
- preserve the woodlot and other vegetation
- minimize Council expenditures
- have a mixture of housing
- have a satisfactory traffic circulation including a second access from the interior of the neighbourhood to West Fifth Street.

The Secondary Separate School site has been relocated to Falkirk East Neighbourhood.

The proposed Neighbourhood Plan should now be approved to allow development to proceed.

dg  
D.G./G.G.:nd  
W.P. DOC. 0019P

# LIST OF SUBMITTEES

1. A. J. Clarke and Associates Engineers and Surveyors  
and May, Pirie and Associates Limited Land Use  
Planning and Consultants on behalf of Starward Homes
- 2., 14., 26., 34. Mrs. K. Gardiner 204 Golden Orchard Drive
- 3., 15., 27., 35. Mr. D. Gardiner 204 Golden Orchard Drive
- 4., 16., 28., 39. Mr. D. Young 11 Golden Orchard Drive
- 5., 19., 30., 44. Mr. and Mrs. J. Morris 20 Grenoble Road
- 6., 20. Mrs. R. Giles 50 Grenoble Road
- 7., 21., 36. Mr. and Mrs. G. Kwasney 56 Duncairn Crescent
- 8., 22. Mr. and Mrs. St. Smith 63 Duncairn Crescent
- 9., 23., 37. Mr. and Mrs. D. Taylor 64 Duncairn Crescent
10. Ms. J. Bard 71 Duncairn Crescent
- 11., 24. Mr. P. Byers 75 Duncairn Crescent
12. Mr. and Mrs. W. Gait 64 Glenview Place
- 13., 25., 31.,  
41., 45. Mr. and Mrs. G. Baker 898 West 5th Street
- 17., 40. Mr. and Mrs. R. Fidler 58 Fiona Crescent
- 18., 29., 42., 43. Mr. and Mrs. D. Moore 140 Fiona Crescent
- 32., 46. Mr. and Mrs. G. Thomas 158 Chester Avenue
- 33., 47. Byrne, Martin and Bedford 810 West 5th Street and  
Barristers and Solicitors 107 Annabelle Street
38. The Gourley Community  
Association  
(13 Signatures see Appendix 1)
48. Mr. and Mrs. W. Thornton 184 Chesley Street
49. Mr. L. Harbottle 194 Chesley Street
50. Mr. R. Richardson 204 Chesley Street
51. Mr. J. Jaskula, Barrister and Solicitor on behalf of  
Mrs. E. Orlicki, 236 Stone Church Road West
52. Mr. and Mrs. W. Schinkel 132 Stone Church Road West
53. Mr. R. Lee 76 Duncairn Crescent
54. Mr. R. Harkness 148 Chesley Street
55. Mr. M. Ecker 156 Chesley Street
56. Mr. G. Zuccolin 160 Chesley Street
57. Mrs. M. Harding 166 Chesley Street
58. Mrs. V. Fagen 166 Chesley Street
59. A. J. Clarke and Associates Engineers and Surveyors  
on behalf of Mr. and Mrs. F. Fontana, 832 West 5th  
Street
60. G. Schneider on behalf of:  
Maple Park Developments Limited;  
B. Morrison; and,  
Starward Homes
61. Mr. G. Marazzato, 142 Stone Church Road West, Owner  
of 1002 West 5th Street
62. Culture and Recreation Department, Park Division

Submissions from the second circulation in November are available from Susan Reeder. All the issues are addressed in the body of the report.





EXISTING POPULATION (1995) 2636

- Separate School Lands
- Public School Lands
- City Lands
- • • • • Area of Larger Lots

SPECIAL ACCESS REQUIRED:  
APPROX. 425' (possible driveway  
to internal street.)

NOTE: THIS IS A GROSS PLAN ONLY AND SUBJECT TO CHANGE  
FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF  
THE REGIONAL MUNICIPALITY OF HAMILTON, WEST WORTH

## LAND USE

- RESIDENTIAL**
- single & double
  - ▤ attached housing
  - ▥ low density apt.
  - ▦ medium density apt.
  - ▧ high density apt.
  - ▨ commercial & apt.
- COMMERCIAL**
- INDUSTRIAL**
- CIVIC & INSTITUTIONAL**
- PARK & RECREATIONAL**
- OPEN SPACE**
- UTILITIES**

- ▬ Neighbourhood Boundary
- ▬ Zoning Boundary
- ▬ Staging of Development Boundary
- ▬ Approval Area (1:200)
- ▬ Council Approval Area

Planning Committee      Approvals      Council

**CITY OF HAMILTON**  
PLANNING DEPARTMENT  
**GOURLEY**  
PROPOSED PLAN







**LOCATION  
OF  
SUBMITTEES**

- SPECIAL ACCESS REQUIRED.  
Approx. 425' (possible driveway  
to Internet street.).

**LAND USE  
RESIDENTIAL**

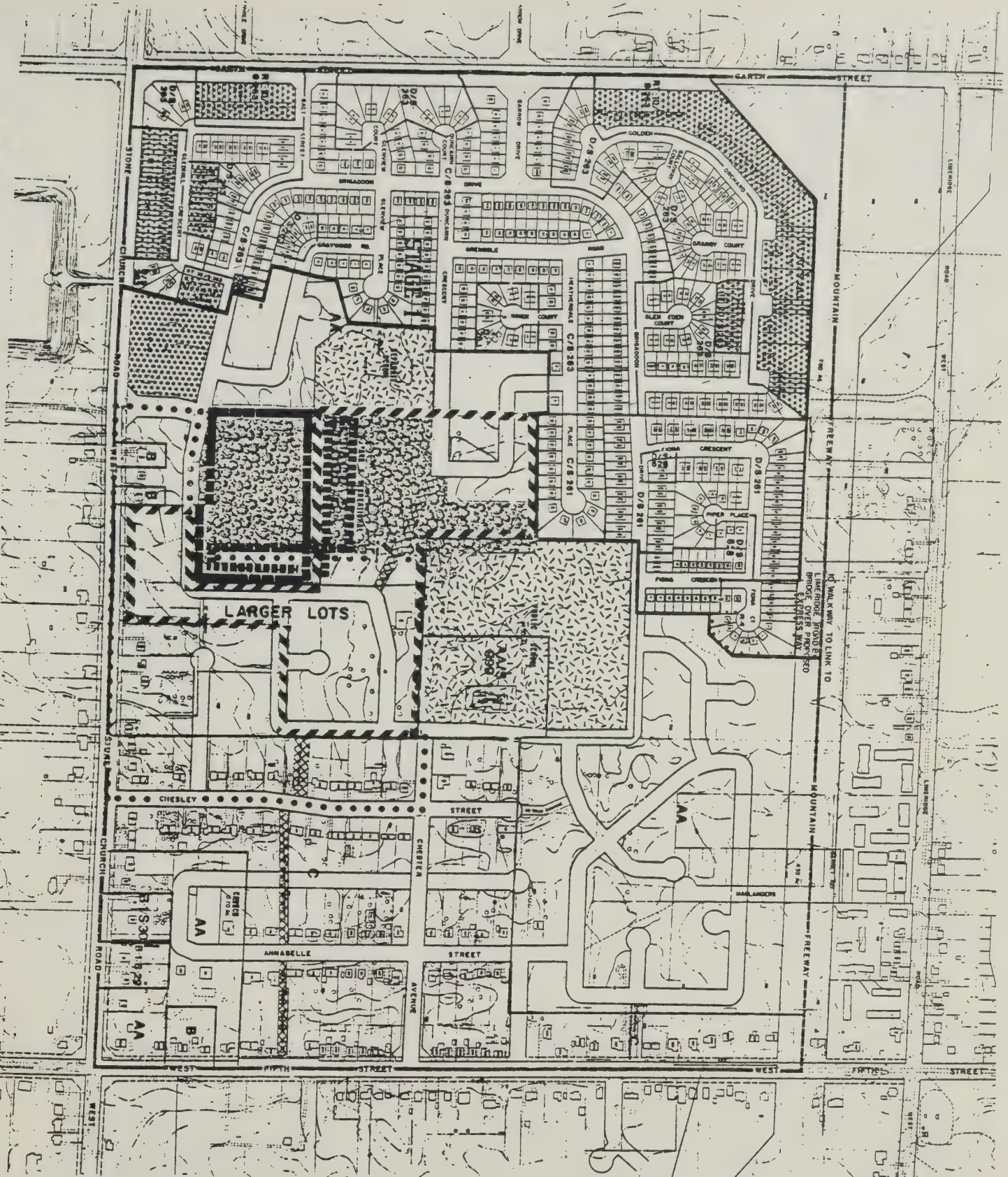
- Neighbourhood Boundary  
Zoning Boundary  
Staging at Development Boundary  
Approvals (trial 1 only)  
Planning Bd. under E&C Council under E&C

**CITY OF HAMILTON  
PLANNING DEPARTMENT  
GOURLEY  
PROPOSED PLAN**









EXISTING POPULATION (1985) 2636

### PROPOSED LAND TRANSFERS

- City Land 8.76 Acres
- ▨ Steward Homes Land
- ▨ Areas To Be Exchanged 2.02 Acres
- ▨ Area To Be Purchased By City 6.41 Acres
- Separate School Lands
- Public School Lands
- City Lands
- ● ● Area of Larger Lots

SPECIAL ACCESS REQUIRED:  
Approx. 425' (possible driveway to internal street).

NOTE: THIS IS A GUIDE PLAN ONLY AND SUBJECT TO CHANGE.  
FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF  
THE REGIONAL MUNICIPALITY OF HAMILTON-WESTERN

### LAND USE

- RESIDENTIAL
  - single & double attached housing
  - low density appts.
  - medium density appts.
  - high density appts.
  - commercial & appts.
- ▨ COMMERCIAL
- ▨ INDUSTRIAL
- ▨ CIVIC & INSTITUTIONAL
- ▨ PARK & RECREATIONAL
- ▨ OPEN SPACE
- ▨ UTILITIES

- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary
- Planning Approval Boundary
- Approval Boundary
- Council Order Boundary

CITY OF HAMILTON  
PLANNING DEPARTMENT  
GOURLEY  
PROPOSED PLAN





*Brian W. B. Morison, LL.M., Q.C.*  
*Barrister & Solicitor*

TELEF

JOSEPH T. KOSTYK, B.A.  
528-1160

25 MAIN STREET WEST  
*Hamilton, Ontario*  
L8P 1H1

December 6, 1988

Ms. Susan Reeder  
Secretary  
Planning & Development Committee  
The Corporation of the City  
of Hamilton  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Sir:

Re: Proposed Plan Gourley Neighbourhood

In response to the notice of public meeting scheduled for December 14th to discuss the above neighbourhood, I would like to put on record my application that the lands owned by the writer immediately south of the mountain freeway right-of-way be zoned R4 or, in the alternative, a multiple residential zoning which will allow a townhouse development having a deep rear yard, or, in the alternative, a residential land use permitting attached housing or medium density apartments.

It will be some years before this property can be developed and by that time there may be additional access roadways to West 5th Street.

It seems to me that with the substantial available recreational area in the neighbourhood and the large school site that there would be a synergy between medium density residential uses and the open areas.

It would be my suggestion that, at this time, the zoning be left as it is and the issue of final zoning be left until it can be clearly seen whether an additional road will be made available and the level of activity being experienced in the recreational areas.

Yours very truly,

BWBM/mjk  
cc

Mr. Ward Campbell  
Steward Homes

*Brian W. B. Morison*





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